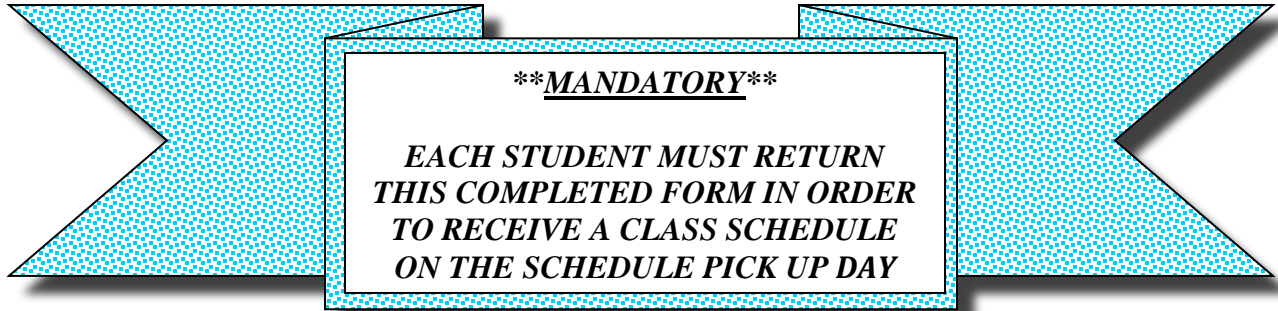


**TAMALPAIS UNION HIGH SCHOOL DISTRICT  
PARENTAL ANNUAL NOTICE  
2016-2017 SCHOOL YEAR**



**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 he/she picks 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](http://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**

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 his/her 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 2016-2017 Parental Annual Notice.**

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

**Tamalpais Union High School District**  
**PARENT NOTIFICATION OF DISTRICT POLICIES**  
Revised June 2016

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>

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## **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. 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.

## **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.

## **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 his or her 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 52242, 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.

### **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 his or her own time to follow his or her 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 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 student or group of students 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 transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

#### **Bullying Prevention**

To the extent possible, district and school strategies 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.

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, 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.

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

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He or she also may involve school counselors, mental health counselors, and/or law enforcement.

#### **Complaints and Investigation**

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute

cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

### **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 discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

## **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 history, cultures, and historical geography and one year of us history or one-half year of us history and one-half year of civics or American government.
- b. **English** – Four years of college preparatory English that include frequent and regular writing, and 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 laboratory science providing fundamental knowledge in at least two of these three disciplines: biology, chemistry, and 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 year, including dance, drama/theater, music, or visual art.
- g. **College Preparatory Elective** – One year (two semesters), chosen from additional "a-f" courses beyond those used to satisfy the requirements above, or courses that have been approved solely for use as "g" electives.

For further information, please see the University of California website ([www.universityofcalifornia.edu/admissions](http://www.universityofcalifornia.edu/admissions)), California State University website ([www.csumentor.edu/planning/high\\_school](http://www.csumentor.edu/planning/high_school)) or <http://www.californiacolleges.edu>.

## **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
2. Conduct that disrupts the orderly classroom or school environment
3. Harassment of students or staff, such as bullying, including cyberbullying, intimidation, hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering. "Cyberbullying" includes the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation or friendships.
4. Damage to or theft of property belonging to students, staff, or the district
5. 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.
6. Use of profane, vulgar, or abusive language
7. Plagiarism or dishonesty in school work or on tests
8. Inappropriate attire
9. Tardiness or unexcused absence from school
10. Failure to remain on school premises in accordance with school rules
11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drug in violation of 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 ABSENCE CANNOT REDUCE GRADE/CREDIT**

A pupil shall not have his/her grade reduced or lose credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

1. Due to quarantine under the direction of a county or city health officer.
2. For the purpose of having medical, dental, optometric, or chiropractic services rendered.

3. For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
4. For the purpose of jury duty in the manner provided for by law.
5. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
6. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the Board of Trustees.
7. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
8. For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
9. A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
10. For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
11. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
12. Due to his or her illness.
13. "Immediate family," as used in this section, has the same meaning as set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

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](#).

### **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.

### **GROUND FORS 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. A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury.
3. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
4. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
5. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant.
6. Committed or attempted to commit robbery or extortion.
7. Caused or attempted to cause damage to school property or private property.
8. Stole or attempted to steal school property or private property.
9. Possessed or used tobacco or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.
10. Committed an obscene act or engaged in habitual profanity or vulgarity.
11. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
12. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. Except as provided in Education Code section 48910, students enrolled in kindergarten and grades 1-3 may not be suspended for disruption of school activities or for willful defiance. Students in kindergarten and grades 1-12 may not be recommended for expulsion based on these grounds.
13. Knowingly received stolen school property or private property.
14. Possessed an imitation firearm. 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.
15. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4.
16. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
17. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
18. Engaged in, or attempted to engage in, hazing. Hazing means a method of initiation or pre-initiation into a student 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.
19. Made terrorist threats against school officials and/or school property. A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or 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. (Education Code 48900.7)

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

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 toward one or more individuals. Bullying is defined as 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 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, that has or can be reasonably predicted to have the effect of one or more of the following:
  - a. Placing a reasonable student in fear of harm to that student's person or property;
  - b. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health;
  - c. Causing a reasonable student to experience substantial interference with his or her academic performance;
  - d. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(Education Code 32261; Education Code 48900(r))

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; Education Code 48900(r))

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. During the lunch period, whether on or off the school campus
3. During, going to, or coming from a school-sponsored activity

The Superintendent or principal may use his/her 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**

Districts shall annually notify parents about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on student health behaviors and risks planned for the school year. Written and audiovisual educational materials used in such education are available for inspection. If arrangement for the instruction is made after the beginning of the school year, you will be notified no fewer than 14 days prior to the commencement of any such instruction if the district elects to provide the instruction by outside consultants in class or during an assembly. The notice must include the date of instruction, the name of the organization or affiliation of each guest speaker and information stating that the parent/guardian has the right to request a copy of the law pertaining to such instruction. You may request in writing that your child not receive comprehensive sexual health education and/or HIV/AIDS prevention education. The law also authorizes the district to use anonymous, voluntary and confidential research and evaluation tools to measure student's health behaviors and risks, 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.

### **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. 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. (Health and Safety Code 120375.) Each transfer student shall present his/her immunization record certifying that he/she has received all required immunizations currently due before he/she is 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) Any student without the required evidence of immunization shall be excluded from school until the immunization is obtained or until the student presents a letter or affidavit of medical exemption from his/her parent/guardian and physician.

Exemption from immunization requirements is only 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. The written statement must include the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization. (Health and Safety Code 120370, 120375.)

Personal belief exemptions shall no longer be accepted by the District. Students with personal-belief exemptions on file with the District as of January 1, 2016, however, shall be allowed to continue enrollment until entering the next grade span in the district. (Health and Safety Code 120335.)

If there is good cause to believe that the student has been exposed to one of the communicable diseases listed under Health and Safety Code section 120335, and his or her documentary proof of immunization status does not show proof of immunization against that disease, 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.)

The Superintendent or designee may conditionally admit a student with documentation from a physician that:

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission
2. He/she has a temporary exemption from immunization for medical reasons, and the pupil's parent or guardian is notified by the Superintendent or designee of the date by which the pupil must complete all the required immunizations when the temporary exemption terminates

(Health and Safety Code 120340; 17 CCR 6000, 6035) The Superintendent or designee shall periodically review the immunization record of each student admitted conditionally until that student has received all the required immunizations or else has submitted an exemption for medical reasons. If the student does not

receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375.)

### **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 two 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 alternative schools or other neighborhood schools outside their attendance area on a space available basis.
2. Compelling Needs Transfer requests allows 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) 945-1020.

### **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) 945-1020.

### **MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS**

Parents and guardians shall be notified of the schedule of minimum days and pupil-free days as early as possible, but not later than one month before the scheduled minimum or pupil-free day (E.C. 48980 C). The yearly school calendar can be found on the homepage of the website of each district school.

### **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 Assistant Superintendent of Human Resources, Tamalpais Union High School District, P.O. Box 605, Larkspur, CA 94977, (415) 945-3722 as the Coordinator 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 District, P.O. Box 605, Larkspur, CA 94977, (415) 945-1011. (34 CFR §104.8; 28 CFR §35.106)

## **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 he is enrolled a statement in writing, signed by the parent or guardian, stating that he/she will not consent to a physical examination of his/her 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, he/she 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.

## **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 reenroll and then leave school again, you may be denied re-admittance until the beginning of the following semester. Contact your guidance 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 he/she meets 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 he/she is a resident of California or a member of the armed forces assigned to duty in California and meets any one of the following criteria (Education Code 51420; 5 CCR 11532):

1. Is 18 years of age or older, or within 60 days of his/her 18th birthday, regardless of enrollment status
2. Is not currently enrolled in school and is within 60 days of when he/she would have graduated from high school had he/she remained in school and followed the usual course of study
3. Is at least 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 at least 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 at least 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, birth date, 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 his/her parent/guardian
2. Mental or psychological problems of the student or his/her 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 his/her 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 7-12 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 his/her 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 his/her parent/guardian's exercise of any of the rights stated above.

## **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 his or her 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 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.

## **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, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

- a) Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
- b) Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
- c) 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.
- d) 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.

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

- a) Unwelcome leering, sexual flirtations, or propositions
- b) Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
- c) Graphic verbal comments about an individual's body or overly personal conversation
- d) Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
- e) Spreading sexual rumors
- f) Teasing or sexual remarks about students enrolled in a predominantly single-sex class
- g) Massaging, grabbing, fondling, stroking, or brushing the body
- h) Touching an individual's body or clothes in a sexual way
- i) Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
- j) Displaying sexually suggestive objects
- k) Sexual assault, sexual battery, or sexual coercion
- l) Dating violence, stalking, and relationship abuse.

**What can a student do if he or she feels sexually harassed?**

#### **Informal Resolution:**

- The student is not required to do this, but he or she may directly inform the person engaged in such conduct that such conduct is offensive and must stop. The student may ask for help in representation to speak with the alleged harasser.
- The student may ask a teacher, counselor or school administrator to mediate a resolution to the problem before attempting to engage in a formal process.

#### **Formal Complaint:**

- The student may file a written complaint with the principal or designee regarding the harassment. The student may ask any school employee to assist him or her. A formal complaint form will be provided.
- A complaint policy procedure is available by asking the principal's secretary.
- The principal or designee shall review the complaint, commence a thorough and complete investigation of the complaint, and make a written report available to the complainant and to the alleged harasser. Disposition of the 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.
- If a complainant or the alleged harasser is dissatisfied with the investigation and/or its disposition, he or she may file a written appeal to the Superintendent of Schools.

## Sexual Harassment

BP 5145.7 Students

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. 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 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.

(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*)

Complaints regarding sexual harassment 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*)

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. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

### Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. [5144](#) - Discipline)  
(cf. [5144.1](#) - Suspension and Expulsion/Due Process)  
(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. [4117.4](#) - Dismissal)  
(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 Governing Boards to Ensure Student Success, 2011

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

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

## Sexual Harassment

## AR 5145.7 Students

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:

Superintendent/Designee  
P. O. Box 605  
Larkspur, CA 94977  
(415) 945-3720

(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

#### Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment 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.

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 the Superintendent or designee.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

When a 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.

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.

#### 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. Such 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](#))

(cf. [1113](#) - *District and School Web Sites*)

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

## Sexual Harassment

## E 5145.7 Students

### 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 their 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 birth date.
      - 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 InfiniteCampus)
    - vii. Subjects taken during each year, half-year, summer session, or quarter and marks or credits given. (Maintained in InfiniteCampus)
    - 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 InfiniteCampus)
  - 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

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.

- j. 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.
  - k. 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.

## **TEACHER AND PARAPROFESSIONAL QUALIFICATIONS**

A parent/guardian may request information regarding whether his/her 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 person as Coordinator for Nondiscrimination in Employment and for Title IX:

Assistant Superintendent of Human Resources  
Tamalpais Union High School District  
P. O. Box 605  
Larkspur, CA 94977  
(415) 945-3722

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 he or she has 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:

Assistant Superintendent – Human Resources or Designee  
(415) 945-3722  
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 30 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 he or she has 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 is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The District shall follow uniform complaint procedures when addressing complaints alleging non-compliance with the adoption of school safety plans or unlawful discrimination regarding actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability and age in any program or activity that receives or benefits from state financial assistance. The District shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, vocational education, child nutrition programs and special education programs.

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

*(cf. 0420.1 - School-Based Coordinated Programs)*

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6178 - Vocational Education)*

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of alleged discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

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

*(cf. 5125 - Student Records)*

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

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 9124 - Attorney)

#### **UNIFORM COMPLAINT PROCEDURES (continued)**

**BP 1312.3(b)**

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5141.4 - Child Abuse Reporting Procedures)

The District shall cooperate fully in the event that the complaint is appealed to the State and in any investigation initiated at the State level.

#### *Legal Reference:*

##### EDUCATION CODE

200-262.3 Prohibition of discrimination

8500-8538 Adult basic education

18100-18179 School libraries

35146 Closed sessions

35160 Authority of governing boards

35160.5 Requirement of school district policies: parental complaints re: employees

44670.1-44670.1 School personnel staff development and resource centers

48985 Notices in language other than English

49060-49079 Student Records

49490-49560 Child nutrition programs

51513 Personal beliefs

52300-52483 Vocational education

52500-52616.24 Adult schools

52800-52863 School-based coordinated programs

54000-54041 Economic impact aid programs

54400-54425 Compensatory education programs

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special education programs

64000 Consolidation application process

##### CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4671 Uniform Complaint Procedures

##### GOVERNMENT CODE

54957-54957.8 Closed sessions

20 U.S.C.A. Section 1221, 1232g

##### UNITED STATES CODE, TITLE 20

1221-1232g General Education Provisions Act

1681-1688 Discrimination based on sex or blindness, Title IX

##### CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination

Policy TAMALPAIS UNION HIGH SCHOOL DISTRICT  
adopted: November 10, 1992 Larkspur, California  
revised: December 10, 2002  
revised: January 13, 2004  
revised: March 6, 2007

**Uniform Complaint Procedures**

**Compliance Officers**

The Board designates the following compliance officer to receive complaints and ensure district compliance with law:

Superintendent/Designee  
Tamalpais Union High School District  
P.O. Box 605  
Larkspur, CA 94977

The Superintendent may designate a staff member to investigate complaints. The person(s), employee(s), position(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

**Notifications**

The Superintendent or designee shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of district complaint procedures to students, employees, parents/guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties. Copies of the complaint procedures shall be made available free of charge.

The notice shall:

1. Identify the person(s), position(s) responsible for receiving complaints.
2. Advise the complainants that they may pursue civil law remedies under state or federal discrimination laws.
3. Advise the complainants of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or public agencies.
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
  - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

*(cf. 5145.6 - Parental Notifications)*

*(cf. 5145.6 - Notifications Required by Law)*

**Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs as set forth in 5 CCR 4600.

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all

information required for compliance with 5 CCR 4632.

The district will use its uniform complaint procedures when addressing all complaints regarding sex equity.

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts. (5 CCR 4630)

All parties involved in allegations shall be notified when a complaint is filed and when a decision or ruling is made.

### **Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district by using the district Incident/Complaint Report Form (E 1312.3).

A complaint must be in writing and contain a concise statement of the facts constituting the grounds for the complaint, and, where applicable, the laws or regulations violated. The complainant must sign and date the complaint.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, district staff shall help him/her to file the complaint. (5 CCR 4600)

The complaint shall be presented to the Superintendent, who may then designate a compliance officer. The Superintendent's office will maintain a log of complaints received, providing each with a code number and a date stamp.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)

### **Step 2: Mediation**

Within three working days of receiving the complaint, the compliance officer shall informally discuss with the complainant the possibility of using mediation. If all parties agree to mediation, the compliance officer shall provide the parties with a list of neutral mediators. Within two working days thereafter, each party shall indicate which of the suggested mediators is acceptable to him/her. Then, the compliance officer shall make arrangements for a mediation conference with one of the mutually acceptable mediators.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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

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.

### **Step 3: Investigation of Complaint**

The investigation shall provide an opportunity for the complainant, the complainant's representative, or both, and district representatives, to present information relevant to the complaint. The compliance officer shall hold an investigative meeting at which the parties may discuss the complaint and question each other and each other's witnesses. If such a meeting is called, the compliance officer and the parties may each ask witnesses of their choosing to attend and provide relevant information.

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. Refusal by the district to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

#### **Step 4: District Decision**

Within 60 days from receipt of a complaint, the Superintendent or designee shall complete the investigation in accordance with this procedure and prepare a written decision (“decision”) unless the complainant agrees in writing to an extension of time.

The decision shall be written in English and in the primary language of the complainant whenever required by law. If it is not feasible to write this report in the complainant’s primary language, the district shall arrange a meeting at which an interpreter or a community member will interpret it for the complainant.

The decision shall be sent to the complainant within 60 days from receipt of the complaint by the Superintendent or designee. The decision shall include:

1. The findings and disposition of the complaint, including corrective action, if any.
2. The conclusion of law.
3. The rationale for the above disposition.
4. Notice of the complainant’s right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal.
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved. If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.
6. For discrimination complaints, notice that the complainants must wait until 60 days have elapsed from the filing of an appeal with CDE before pursuing civil law remedies (Education Code 262.3)

#### **Step 5: Appeals**

Any complainant may appeal a district decision to the California Superintendent of Public Instruction by filing a written appeal with the Superintendent of Public Instruction within 15 days of receiving the district decision. For good cause, the Superintendent of Public Instruction may grant extensions for filing appeals.

The appeal shall specify the reason(s) for appealing the district decision and shall include a copy of the complaint and a copy of the district decision. (5 CCR 4632)

Upon notification by the Superintendent of Public Instruction that the district decision has been appealed to the state level, the district shall forward the following to the Superintendent of Public Instruction (5 CCR 4632):

1. The original complaint.
2. A copy of the district decision.
3. A summary of the nature and extent of the investigation conducted by the district, if not covered in 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 an action taken to resolve the complaint.

6. A copy of the district's complaint procedures
7. Such other relevant information as the Superintendent of Public Instruction may require.

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Regulation TAMALPAIS UNION HIGH SCHOOL DISTRICT  
approved: November 10, 1992 Larkspur, California  
revised: December 10, 2002  
revised: March 6, 2007  
revised: August 26, 2008



**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 he or she 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 his or her 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: \_\_\_\_\_  
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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. Textbooks and instructional materials
  - 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.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

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

2. Teacher vacancy or misassignments
  - 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 learner students 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 students 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 students 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)

Community Relations

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

3. Facilities
  - a. A condition poses an emergency or urgent threat to the health or safety of students 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. (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, except as necessary for student safety or to make repairs, the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. (Education Code 35292.5)

#### 4. High School Exit Examination intensive instruction and services

A student, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (Education Code 35186)

*(cf. 6162.52 – High School Exit Examination)*  
*(cf. 6179 – Supplemental Instruction)*

#### **Filing of Complaint**

A complaint alleging any condition(s) specified 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)

A complaint alleging any deficiency specified in item #4 above shall be filed with a district official designated by the Superintendent. Such complaints may be filed at the district office or at a school site and shall be immediately forwarded to the Superintendent or designee.

#### **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 within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. 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 Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a 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**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. 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 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. However, complainants need not use the Williams complaint form in order to file a complaint. (Education Code 35186)

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

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

4600-4671 Uniform complaint procedures, especially:  
4680-4687 Williams complaints

### *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/index.asp>

State Allocation Board, Office of Public School Construction: <http://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

## TAMALPAIS UNION HIGH SCHOOL DISTRICT

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:  
COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Education Code 35186 requires that the following notice be posted in each classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, 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 as defined in Education 35186 (h)(2) and (3). 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. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.
5. To file a complaint regarding the above matters, complaint forms can be obtained at the principal's office, district office, or can be downloaded from the school district's or California Department of Education's website: <http://www.cde.ca.gov/re/cp/uc>

Exhibit **TAMALPAIS UNION HIGH SCHOOL DISTRICT**

adopted: January 11, 2005 Larkspur, California

revised: April 4, 2006

revised: March 6, 2007

revised: July 8, 2008

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Education Code 35186 created 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, or lack of opportunity to receive intensive instruction and services to students who did not pass one or both parts of the high school exit examination by the end of grade 12. 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: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

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

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

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

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 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% English learners in the class.
  - \_\_\_\_\_ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
  
- 3. **Facility conditions:**
  - \_\_\_\_\_ A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in AR 1312.4.
  
- 4. **High school exit exam intensive instruction and services: (Education Code 35186)**
  - \_\_\_\_\_ Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. 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 students or staff.

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Please file this complaint with the person specified below at the following location:

(Principal or title of his/her designee)\_\_\_\_\_

(address)\_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Exhibit TAMALPAIS UNION HIGH SCHOOL DISTRICT  
adopted: January 11, 2005 Larkspur, California  
revised: March 6, 2007  
revised: July 8, 2008  
00250-00002/3277124.1