

THE BUTTE COUNTY OFFICE OF EDUCATION

PARENT AND STUDENT ANNUAL NOTIFICATIONS

The Butte County Office of Education is required to notify pupils, parents, and guardians of their rights and responsibilities annually, pursuant to California Education Code (EC) 48980.

Parents or guardians must acknowledge receipt of this notice. Please sign and return the signature page to the school as required by EC 48982.

2022-2023 School Year

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Dear Students, Parents and Guardians,

State law requires the Butte County Office of Education (BCOE) to provide annual notification to students, parents and guardians of their rights and responsibilities pertaining to their child's education. Please read this Annual Notification. The parent or guardian is required to acknowledge their receipt of this notice by signing and returning the signature page to their child's school. The parent's or guardian's signature is an acknowledgment that they have been informed of their rights and does not indicate the parent's or guardian's consent for their child to participate or not participate in any particular program listed within the Annual Notification.

Some legislation requires additional notification to the parents or guardians during the school term prior to a specific activity. Separate letters are available to parents or guardians in the school site handbook regarding any of these specified activities or classes. The student will be excused whenever the parents or guardians file with the principal of the school a statement in writing requesting that their child not participate. Other legislation grants certain rights that are detailed in this Annual Notification.

The Butte County Office of Education recognizes that parent or guardian involvement in their child's education promotes student achievement and contributes greatly to the student's success. This Annual Notification contains information on the various ways parental involvement is encouraged in accordance with federal and state laws, as well as BCOE Superintendent's Policy. The Butte County Office of Education commits to providing a quality education to all of its students in a safe and healthy environment. We look forward to a successful and positive school year, made possible by the dedicated efforts of its administrators, teachers, para educators, support staff, students, and parents and guardians.

Please read this Annual Notification carefully and return the signed forms to your student's school as soon as possible.

Sincerely,

Michelle Zevely, Associate Superintendent
Butte County Office of Education

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ACADEMIC

School Accreditation-EC 35178.4

BCOE will notify each parent or guardian of a pupil in a school that has lost its accreditation status and the potential consequences of the school's loss of status, in writing or by posting the information on the school's website.

Bilingual Education-EC 52173

BCOE will notify the parents or guardians of pupils who will be enrolled in a bilingual education program. The notice will contain a simple description of the program, inform the parent or guardian they have the right and are encouraged to visit the class in which their pupil will be enrolled and to have a school conference to explain the purpose of such an education, and that they have the right not to have their pupil enrolled in the program. Notice shall be in English and the primary language of the pupil.

Language Acquisition Programs-EC 310

Language Acquisition Programs

The Local Education Agency (LEA) is required to provide a Structured English Immersion (SEI) program option. If you choose this option your child will be placed in a classroom that uses mostly English for instruction.

All programs include English Language Development (ELD) and teaching strategies differentiated for each student's level of English language proficiency. These strategies are used to help each student reach proficiency in speaking, reading and writing English, and succeed academically in all core subjects.

Requesting a Language Acquisition Program

Language acquisition programs are educational programs designed to ensure English acquisition occurs as rapidly and effectively as possible, and provides instruction to English learners based on the state-adopted academic content standards, including English language development (ELD) standards (EC Section 306[c]).

Parents/Guardians may choose a language acquisition program that best suits their child. Schools in which the parents or legal guardians of 30 pupils or more per school or the parents or legal guardians of 20 pupils or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible. (EC Section 310[a])

Description of Program Options and Goals for English Learners

A description of language acquisition programs is listed below. Please contact the district administrator at the number below if you would like to discuss another program option that best suits your child.

- ☐ **Mainstream Classroom:** Students are enrolled in a mainstream classroom in which all classroom instruction is provided in English, but with regular integrated and designated ELD and Title 1 or

paraprofessional support, as necessary. Students have full access to grade level academic subject matter content.

- Structured English Immersion (SEI) Program: A language acquisition program for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. At minimum, students are offered ELD and access to grade level academic subject matter content.
- Other Instructional Setting Butte COE Special Education Program (IEP): Students in a special education/ special day class setting are taught primarily in English. Some assistance may be provided in the primary language. Students are taught ELD and other core subjects by authorized teachers using district-adopted textbooks and supplemental materials. Instruction is based on ELD and grade-level content standards.

Parents may provide input regarding language acquisition programs during the development of the Local Control Accountability Plan. Public meeting agendas are posted on each school's website. If interested in a program not listed above, please contact the Administrator of Curriculum & Instruction at (530) 712-2246 to ask about alternative options.

Parents of English learners have a right to decline or opt their children out of the school district's language acquisition program or opt out of particular English learner service(s) within a language acquisition program. (20 U.S.C Section 6318[c][A][vii]) However, LEAs remain obligated to provide the student meaningful instruction (5 CCR Section 11302) until the student is reclassified, inform the parent when progress is not made, and offer the parent programs and services to consider at that time.

Title 1-20 (Teacher Qualifications) U.S.C. 6311

Permits parents to request information regarding the professional qualifications of the student's classroom teachers, including the following:

- Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
- The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

Whether the child is provided services by paraprofessionals and, if so, their qualifications.

In addition to the information that parents may request regarding their child's teacher, parents may also request:

- Information on the level of achievement of the parent's child in each of the State academic assessments, and
- Timely notice that the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by a teacher who is not highly qualified.

Parents may obtain this information by logging on to www.ctc.ca.gov and looking up the child's teacher's credentials by entering the first and last name.

The law also requires that parents be notified when a teacher who is not *highly qualified* is hired and teaches the child *four (4) consecutive weeks or more*.

Mathematics Placement Policy-EC 51224.7

The BCOE utilizes a fair, objective and transparent mathematics placement policy that takes multiple objective academic measures of pupil performance into consideration, annually examines aggregate pupil placement data to ensure pupil qualification for progressing through mathematics courses and offers clear and timely recourse for any pupil or parent or guardian who questions the placement. More information about BCOE's mathematics placement policy is prominently available on each school's website.

Right to Refrain from Harmful Use of Animals-EC 32255-32255.6

Pupils may choose to refrain from participating in educational projects involving the harmful or destructive use of animals based on moral objections, and may complete an alternative educational project acceptable to the teacher. In order to refrain from participation, a parent or guardian must submit a written note of the objections to participating in an educational project involving the harmful or destructive use of animals.

Acceptable Use of Technology

The BCOE policy on the acceptable use of technology on school campuses and access by pupils to the Internet and on-line sites is available at SP 6163.4

<https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

Rights of Parents or Guardians to Information-EC 51101

Parents/guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

- Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will attend.
- Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.
- To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of BCOE employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.
- To be notified on a timely basis if their child is absent from school without permission.
- To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.
- To request a particular school for their child, and to receive a timely response. This paragraph does not obligate the school/BCOE to grant the parent's request.
- To have a school environment for their child that is safe and supportive of learning.
- To examine the curriculum materials of the class or classes in which their child is enrolled.
- To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.
- To have access to the school records of their child.

- To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.
- To be informed in advance about school rules, including disciplinary rules and procedures, attendance policies, dress codes, and procedures for visiting the school.
- To receive information about any psychological testing the school does involving their child and to deny permission to give the test.
- To participate as a member of a parent advisory committee, school-site council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, school-site councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.
- To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.
- To be notified, as early in the school year as practicable pursuant to EC 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child. Parents and guardians of pupils, including those parents and guardians whose primary language is not English, shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. BCOE has developed jointly with parents and guardians, and adopt, a policy that outlines the manner in which parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each school-site.

The policy includes, but is not necessarily limited to, the following:

1. The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.
2. A description of the school's responsibility to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.
3. The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:
 - (a) Monitoring attendance of their children.
 - (b) Ensuring that homework is completed and turned in on a timely basis.
 - (c) Participation of the children in extracurricular activities.
 - (d) Monitoring and regulating the television viewed by their children.
 - (e) Working with their children at home in learning activities that extend learning in the classroom.
 - (f) Volunteering in their children's classrooms, or for other activities at the school.
 - (g) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

[Attendance-EC 48980\(h\)](#)

A. Residency Requirements-EC 48200, 48204, 48204.3, 48204.4, 48204.6

BCOE offers a variety of educational programs to support local school districts and families. BCOE charter schools, like all charter schools, do not have residency requirements. Butte County Community School, Table Mountain School and Special Education do not have residency requirements, but work collaboratively with local districts and/or probation or law enforcement with regard to enrollment.

BCOE shall allow a pupil who is a child of a military family to continue his or her education in the school of origin, regardless of any changes of residence of the military family during that school year, for the duration of the pupil's status as a child of a military family.

(10) A pupil whose parent or parents were residents of this state and have departed California against their will, and if the pupil seeks admission to a BCOE school, shall be admitted, regardless of his or her current residency, provided the pupil has:

(A) Official documentation evidencing the departure of his or her parent or legal guardian;

(B) Moved outside of California as a result of his or her parent or legal guardian departing against their will and the pupil lived in California immediately before moving outside of California; and,

(C) Provides documentation that the pupil was enrolled in a California public school immediately before moving outside of California.

B. Migratory Children – Residency Retention - EC 48204.7

Currently migratory children, as defined under Education Code section 48204.7, who are enrolled in a school due to a parent's or immediate family member's temporary or seasonal employment in an agricultural or fishing activity, as defined by Education Code section 54441, must be allowed to continue in their schools of origin, regardless of any change of residence during that school year, for the duration of their status as migratory children. If/when a student's status as a migratory child changes during the school year, the school district must: (1) allow K-8th graders to continue in their schools of origin for the remainder of that school year; and (2) allow 9-12th graders to continue in their schools of origin through graduation.

Migratory children and their parents/guardians must be informed of the impact that remaining in their schools of origin will have on their eligibility to receive migrant education services.

C. Absence for Religious Instruction-EC 46014

Permissive absence may be granted for Superintendent Policy approved religious exercises or instruction if a pupil has attended at least the minimum school day and for not more than four days per school month.

D. Absence for Confidential Medical Services-EC 46010.1

Students in grades 7 to 12 may be excused for the purpose of obtaining confidential medical services without consent of the pupil's parent or guardian.

E. Notification of Minimum Days and Pupil Free Staff Development Day-EC 48980(c)

BCOE School calendars with identified minimum days are located on the BCOE schools' websites accessible at bcoe.org and navigating to BCOE Schools or by using the search feature.

F. Grade Reduction/ Loss of Academic Credit-EC 48980(j)

No pupil shall have his/her grade reduced or lose academic credit for any excused absence pursuant to EC 48205 for missed assignments/tests that can reasonably be provided/completed.

G. Excused Absence; Justifiable Personal Reasons; Credit (EC 48205); Truancy (EC 48260, et seq.)

State law permits students to be absent for justifiable reasons and allows for completion of missed assignments. Students who are absent without valid excuse, and their parents/guardians, may be subject to truancy and/or criminal proceedings under Education Code section 48260, et seq.

Excused Absences

- (1) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
 - (a) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
 - (b) Due to quarantine under the direction of a county or city health officer.
 - (c) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
 - (d) 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.
 - (e) For the purpose of jury duty in the manner provided for by law.
 - (f) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
 - (g) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
 - (h) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
 - (i) 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 EC § 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, or designee.
 - (j) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
 - (k) For the purpose of participating in a cultural ceremony or event.
 - (l) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.
- (2) 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 therefore. The teacher of any class from which a pupil is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- (3) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

- (4) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- (5) For the purposes of this section, the following definitions apply;
 - (a) "Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people.
 - (b) "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

Truancy

- (1) The first time a truancy report is issued, the pupil and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school's designees to discuss attendance issue and develop plan to improve attendance.
- (2) The second time a truancy report is issued within the same school year, the pupil may be given a warning by a peace officer pursuant to Penal Code section 830.1. The pupil may also be assigned to an afterschool or weekend study program located within the same county as the pupil's school.
- (3) The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant and may be required to attend an attendance review board or a truancy mediation program pursuant to EC 48263.
- (4) The fourth time truancy is issued within the same school year, the pupil may be within jurisdiction of the Juvenile Court that may adjudge the pupil to be a ward of the court pursuant to Welfare and Institutions Code section 601.

NOTICE OF ALTERNATIVE SCHOOLS – EC 58501

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 which 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 student learns because of his desire to learn.
- (c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him 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 students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- (e) Maximize the opportunity for the students, teachers, and parents to continuously react 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 this district, and the principal's office in each attendance unit have copies of the law available for your information. This law particularly

authorizes interested persons to request the governing board of the district to establish alternative school programs in each district.

Rules and Procedures on School Discipline-EC 35291

A. All Students

1. Suspension-EC 48900

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of the pupil's own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in paragraph (1), and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph is inoperative on July 1, 2020.

(3) Except as provided in Section 48910, commencing July 1, 2020, a pupil enrolled in kindergarten or any of grades 1 to 5, inclusive, shall not be suspended for any of the acts specified in paragraph (1), and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.

(4) Except as provided in Section 48910, commencing July 1, 2020, a pupil enrolled in any of grades 6 to 8, inclusive, shall not be suspended for any of the acts specified in paragraph (1). This paragraph is inoperative on July 1, 2025.

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm. As used in this section, “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.

(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 287, 288, or 289 of, or former Section 288a of, the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

(1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on the pupil’s physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with the pupil’s academic performance.

(D) Causing a reasonable pupil to experience substantial interference with the pupil’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) (A) “Electronic act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless

communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(i) A message, text, sound, video, or image.

(ii) A post on a social network internet website, including, but not limited to:

(I) Posting to or creating a burn page. "Burn page" means an internet website created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(iii) (I) An act of cyber sexual bullying.

(II) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described in this subclause, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(III) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the internet or is currently posted on the internet.

(3) "Reasonable pupil" means a pupil, including, but not limited to, a pupil with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of that age, or for a person of that age with the pupil's exceptional needs.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:

(1) While on school grounds.

(2) While going to or coming from school.

(3) During the lunch period whether on or off the campus.

(4) During, or while going to or coming from, a school-sponsored activity.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant

to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, “school property” includes, but is not limited to, electronic files and databases.

(v) For a pupil subject to discipline under this section, a superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age appropriate and designed to address and correct the pupil’s specific misbehavior as specified in Section 48900.5.

(w) (1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

(2) It is further the intent of the Legislature that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.²

Expulsion

A student may be recommended for expulsion for any of the reasons enumerated in Education Code section 48915, and pursuant to the expulsion procedures identified in Education Code sections 48918 and 48918.5.

B. Attendance of Suspended Child’s Parent or Guardian for Portion of School Day-EC 48900.1

Pursuant to board policy, a teacher may require a parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for either committing an obscene act, engaging in habitual profanity or vulgarity or disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties, to attend a portion of a school day in the classroom of his or her child or ward.

C. Sexual Harassment Policy-EC 231.5, 48900.2

The Butte County Office of Education (BCOE) will not tolerate sexual harassment by anyone participating in any county office program or activity. This includes student-to-student or peer sexual harassment as well as harassment between a student and any BCOE participant. The BCOE takes all complaints of sexual harassment seriously, investigates and addresses identified sexual harassment, and if the investigation results in the determination that sexual harassment has occurred, takes reasonable, immediate corrective action to stop the harassment, eliminate a hostile environment, and prevent future sexual harassment. Alleged pupil sexual harassment in violation of Superintendent Policy or federal or state law will be handled pursuant to Superintendent Policy and Administrative Regulation which can be found online at (SP 5145.7):

<https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html> and in the appendix. A pupil in grades 4 to 12, inclusive, may be suspended from school or recommended for

expulsion if the superintendent or principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined below.

California Education Code section 212.5 defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:

- a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

D. Hate Violence-EC 48900.3

A pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, or threatened to cause, or participated in an act of, hate violence, as defined in EC 233(e).

E. Harassment, Intimidation or Threats-EC 48900.4

A pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school personnel or pupils, 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 either school personnel or pupils by creating an intimidating or hostile educational environment.

F. Terroristic Threats Against School Officials, School Property or Both-EC 48900.7

A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both. A "terroristic threat" includes any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of BCOE or school program property, or the personal property of the person threatened or his or her immediate family.

G. Suspension/Expulsion: Alternative and Other Means of Correction-EC 48900, 48900.5, 48911

Generally, suspension shall be imposed only when other means of correction fail to bring about proper conduct. The BCOE may document other means of correction short of suspension and expulsion and place the documentation in the pupil's record. Other means of correction may include: a conference between school personnel, the pupil's parent or guardian and the pupil; referrals to the school counselor or psychologist; study teams, guidance teams or other intervention-related teams that assess behavior and develop and implement behavior plans; referral for psycho-educational assessment; after-school programs that address specific behavioral issues; and community service on school grounds during non-school hours. A pupil may be suspended, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons. A suspension shall be preceded by an informal conference between the principal, the principal's designee or the superintendent of schools and the pupil, and whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At this conference, the pupil shall be informed of the reason for the disciplinary action and other means of correction that were attempted before the suspension.

Parent Attendance of Suspended Students During School Day-EC 48900.1

BCOE has a policy authorizing teachers to require the parent or guardian of a suspended pupil to attend a portion of a school day in the class of the suspended pupil. More information can be found online at <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

Dress Code/Gang Apparel-EC 35183

Students are expected to come to school appropriately dressed. Students failing to dress appropriately will be asked to change. BCOE's dress code is available online at <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

Duty Concerning Conduct of Pupils-EC 44807

All students participating in BCOE school programs or activities will comply with Superintendent policies, rules and regulations, pursue their studies and obey the valid authority of BCOE staff. Any student who feels another participant is disrupting the student's learning environment is strongly encouraged to report that misconduct to a staff member. The staff member will, in turn, report to the designated school or BCOE staff member in charge of handling student complaints. Staff expects all students enrolled in BCOE school programs or activities to conduct themselves in a manner that enriches the educational environment and does not disrupt the learning process. BCOE believes all students enrolled in school programs or activities should experience a positive learning environment. All students participating in BCOE school programs or activities are expected to cooperate by respecting the rights of other participants, which includes the right to a learning environment free from disruptions. Student conduct includes conduct on school grounds, going to and from school and during recess and lunch periods.

Every teacher has a duty to hold pupils accountable for their conduct on the way to and from school, and on the playground, or during recess. A teacher, vice principal, principal or any other certificated employee of a BCOE school, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree or physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning.

Laser Pointers-Penal Code 417.27

The BCOE prohibits dangerous objects on campus, such as laser pointers and B.B. guns, unless possession is for valid instructional or other school related purpose.

Liability of Parent or Guardian or Willful Pupil Misconduct-EC 48904

Parent Attendance of Suspended Students During School Day-EC 48900.1

BCOE has a policy authorizing teachers to require the parent or guardian of a suspended pupil to attend a portion of a school day in the class of the suspended pupil. More information can be found online at <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

EQUITY, ACCESS AND THE COMPLAINT PROCESS

Statement of Non-Discrimination

The Butte County Office of Education (BCOE) is committed to providing equal opportunity for all individuals in Butte County Office of Education programs and activities. Programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610).

TITLE IX

Title IX of the Education Amendments of 1972 is a federal law that states: "No person in the United States 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 financial assistance."

Butte County Office of Education in accordance with the Americans with Disabilities Act is continually evaluating accessibility, accommodations for individuals with disabilities, and administrative policies and procedures which can be viewed at (SP 5145.71): <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html> and is included in the appendix.

View the Title IX information at: <https://www.bcoe.org/Divisions/Important-Information/Non-Discrimination--Title-IX/index.html>.

Title IX Training

Pursuant to Title IX Regulations, materials used to train employees involved in the coordination, investigation, decision-making, and appeals are posted below:

- [DWK Title IX Fundamentals Compliance Training Manual](#)
- [Title IX Training Presentation](#)

Filing a Complaint

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or

sexual harassment) and request an investigation, in person, by mail, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's written report. Such a report may be made at any time, including during non-business hours, by using the contact information listed for the Title IX Coordinator.

Title IX Coordinator

BCOE's Title IX Coordinator oversees compliance with Title IX requirements.

Executive Director - Human Resources

Butte County Office of Education

1859 Bird Street

Oroville, CA 95965

530-532-5766

Safe Place to Learn Act-EC 234, 234.1

The Butte County Office of Education has adopted policies pertaining to the following:

- 1) Prohibition of discrimination and harassment based on characteristics set forth in EC § 220 and Penal Code 422.55;
- 2) Process for receiving and investigating complaints of discrimination and harassment;
- 3) Maintenance of documentation of complaints and their resolution;
- 4) Process to ensure complainants are protected from retaliation and the identity of a complainant is kept confidential if appropriate; and
- 5) Identification of a responsible LEA officer to ensure compliance.

BCOE's antidiscrimination and anti-harassment policies are posted in schools and offices. More information can be found online at <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

Sex Equity in Education Act-EC 221.5(d)

Commencing in Grade 7, school personnel shall assist pupils with course selection or career counseling, affirmatively exploring the possibility of careers, or courses leading to careers based on the interest and ability of the pupil and not on the pupil's gender. Parents or legal guardians are notified so that they may participate in such counseling sessions and decisions.

Rights and Options Available to Pregnant and Parenting Pupils-EC 46015

A pregnant or parenting pupil is defined as any pupil who gives or expects to give birth, or any parenting pupil who identifies as the parent of an infant. Pregnant and parenting pupils are entitled to at least eight weeks of parental leave, which can be taken before birth of the pupil's infant if there is a medical necessity, or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The pupil is neither required to take time off nor notify his or her school that he or she is doing so; this is a guaranteed minimum right that can be expanded if deemed medically necessary. Parental leave will be considered an excused absence, and the pregnant or parenting pupil is not required to complete any academic work during this period.

A pregnant or parenting pupil may return to their previous school and course of study, and is entitled to make up opportunities for any work missed during the leave. These students are allowed to enroll in a fifth year of high school in order to complete any state or local graduation requirements, except when the

school finds that the pupil is reasonably able to complete these requirements in time to graduate high school by the end of their fourth year.

A pregnant or parenting pupil who does not wish to reenroll in his or her previous school is entitled to alternative education options offered by the local education agency. If so enrolled, the pupil shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular program. Furthermore, a school may not penalize a student for using any of the accommodations mentioned above.

If a student believes that his or her school is discriminating on the basis of sex in opposition to the rights and entitlements listed above, that student can file a complaint through the standard Uniform Complaint Procedures of *California Code of Regulations*, Title 5 Sections 4600, et. seq.

Children in Homeless Situations-42 U.S.C. 11432

The BCOE has appointed a liaison for homeless children responsible for ensuring the dissemination of public notice of the educational rights of students in homeless situations.

- 1) Liaison contact information Meagan Meloy, Director School Ties and Prevention Services at (530) 879-3781, including information on circumstances for eligibility;
- 2) Right to immediate enrollment in school of origin or school where currently residing without proof of residency, immunization records or tuberculosis skin-test results, schools' records, or legal guardianship papers;
- 3) Right to education and other services including to participate fully in all school activities and programs for which child is eligible, to qualify automatically for school meal programs, to receive transportation services, and to contact liaison to resolve disputes that arise during enrollment;
- 4) That no homeless youth shall be required to attend a separate school for homeless children or youth; and
- 5) That homeless youth shall not be stigmatized by school personnel.

More information can be found online at <https://www.bcoe.org/Student-Services/Homeless--Foster-Youth/index.html>

Homeless Rights- EC 48852.5

School-age children may qualify for certain rights and protections under the federal McKinney-Vento Act. Eligible children have the right to:

- Receive a free, appropriate public education
- Enroll in school immediately, even if lacking documents normally required for enrollment
- Enroll in school and attend classes while the school gathers needed documents
- Enroll in the local school; or continue attending the school of origin (the school attended when permanently housed or the school in which the student was last enrolled)
 - If the school believes enrollment is not in the best interest of the student it must provide the parent with a written explanation of its position and inform the parent of their right to appeal its decision
- Receive transportation to and from the school of origin, if requested
- Receive educational services comparable to those provided to other students, according to the children's needs

[Foster Youth Bill of Rights-EC 48853; 48853.5; 49069.5; 51225.1; 51225.2](#)

“Foster child” means a child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code (“WIC”), is the subject of a petition filed under Section 300 or 602 of the WIC, or has been removed from his or her home and is the subject of a petition filed under WIC section 300 or 602.

A foster child who is placed in a licensed children's institution or foster family home shall attend programs operated by the local educational agency in which that licensed children's institution or foster family home is located, unless one of the following applies:

- (1) The pupil is entitled to remain in his or her school of origin;
- (2) The pupil has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.
- (3) The parent or guardian, or other person holding the right to make educational decisions for the pupil pursuant to Section 361 or 726 of the WIC or Section 56055 (“educational rights holder”), determines that it is in the best interests of the pupil to be placed in another educational program and has submitted a written statement to the local educational agency that he or she has made that determination. This statement shall include a declaration that the parent, guardian, or educational rights holder is aware of all of the following:
 - (A) The pupil has a right to attend a regular public school in the least restrictive environment.
 - (B) The alternate education program is a special education program, if applicable.
 - (C) The decision to unilaterally remove the pupil from the regular public school and to place the pupil in an alternate education program may not be financed by the local educational agency.
 - (D) Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent, guardian, or educational rights holder.

The parent or guardian, or educational rights holder shall first consider placement in the regular public school before deciding to place the foster child in a juvenile court school, a community school, or another alternative educational setting.

A foster child may still be subject to expulsion under applicable law and Superintendent Policy.

Foster youth are subject to other laws governing the educational placement in a juvenile court school, of a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility, notwithstanding the rights contained in this notice.

Foster children living in emergency shelters (as referenced in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301, et seq.), may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

- (1) For health and safety emergencies.
- (2) To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interests to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.

The educational services may be provided at the shelter pending a determination by the educational rights holder regarding the educational placement of the child.

All educational and school placement decisions shall be made to ensure that the child is placed in the least restrictive educational programs and has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.

The Butte County Office of Education designates Meagan Meloy, Director School Ties and Prevention Services at (530) 879-3781, as the educational liaison for foster children. The role of educational liaison is advisory with respect to placement decisions and determination of school of origin and does not supersede the role of the parent or guardian retaining educational rights, a responsible adult appointed by the court, a surrogate parent or a foster parent exercising their legal rights with respect to the foster child's education. The educational liaison serves the following roles:

- (1) Ensures and facilitates proper educational placement, enrollment in school, and checkout from school for foster children;
- (2) Assists foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records and grades.
- (3) When designated by the Superintendent, notifies a foster child's attorney and child welfare agency representative(s) of pending disciplinary proceedings and pending manifestation determination proceedings if the foster child is also eligible to receive special education and related services under the IDEA.

At the initial detention or placement by the Juvenile Court, or any subsequent change in placement of a foster child by the Court, the local educational agency serving the child shall allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court. If the jurisdiction of the court is terminated prior to the end of the academic year:

- (1) Former foster children in grades kindergarten, or 1 to 8, inclusive, shall be allowed to continue his or her education in the school of origin through the duration of the academic year;
- (2) Former foster children in high school shall be allowed to continue his or her education in the school of origin through graduation;
- (3) Transportation is not required unless the former foster child has an IEP and the IEP team determines transportation is a necessary related service, required by the unique educational needs of the pupil in order to benefit from their special education program. Transportation may be provided at the local educational agency's discretion. The rights of foster youth do not supersede any other law governing special education for eligible foster children.
- (4) To ensure that the foster child has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts, if the foster child is transitioning between school grade levels, the foster child shall be allowed to continue in the school district of origin in the same attendance area, or, if the foster child is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, to the school designated for matriculation in that school district.

In consultation with the foster child and educational rights holder, the educational liaison may recommend that the foster child waive his or her right to attend the school of origin and enroll in a public school within his or her attendance area. The educational liaison's recommendation must be accompanied by a written explanation for the basis of the recommendation and how it serves the foster child's best interests.

If the educational liaison, foster child and educational rights holder agree it is in the best interest of the foster child to waive his or her right to attend the school of origin and attend the recommended school, the foster child shall immediately be enrolled within the recommended school.

- (1) The recommended school shall immediately enroll the foster child regardless of any outstanding fees, fines, textbooks or moneys due to any previous schools of attendance or if the foster child is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including proof of immunization, proof of residency or other documentation.
- (2) Within two business days of the foster child's request for enrollment, the educational liaison for the new school shall contact the school last attended by the foster child to obtain all academic and other records. The last school attended by the foster child shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. The educational liaison for the school last attended shall provide a complete copy of the foster child's education record to the new school within two business days of receiving the request.

If any dispute arises as to the school placement of a pupil under this section, the pupil has the right to remain in his or her school of origin, pending resolution of the dispute.

"School of origin" means the school that the foster child attended when permanently housed or the school in which the foster child was last enrolled. If the school the foster child attended when permanently housed is different from the school in which the foster child was last enrolled, or if there is some other school that the foster child attended with which the foster child is connected and that the foster child attended within the immediately preceding 15 months, the educational liaison, in consultation with, and with the agreement of, the foster child and the educational rights holder, shall determine, in the best interests of the foster child, the school that shall be deemed the school of origin.

If the foster child is absent from school due to a decision to change the placement of the foster child made by a court or placing agency, the grades and credits of the foster child will be calculated as of the date the foster child left school and no lowering of grades will occur as a result of the absence of the foster child under these circumstances. If the foster child is absent from school due to a verified court appearance or related court ordered activity, no lowering of his or her grades will occur as a result of the absence of the pupil under these circumstances.

A foster child or homeless youth who transfers between schools any time after the completion of the pupil's second year of high school shall be exempt from all coursework and other graduation requirements adopted by the governing board of the local educational agency that are in addition to the statewide coursework requirements, unless the local educational agency makes a finding that the foster child or homeless youth is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

Within 30 days of the foster child's transfer into a school, the local educational agency should determine whether a foster child or homeless youth is reasonably able to complete the local educational agency's graduation requirements within the pupil's fifth year of high school. If the pupil is reasonably able to

complete the local educational agency's graduation requirements within a fifth year of high school, the local educational agency shall do all of the following:

- (1) Inform the pupil of his or her option to remain in school for a fifth year to complete the local educational agency's graduation requirements.
- (2) Inform the pupil, and the educational rights holder, about how remaining in school for a fifth year to complete the local educational agency's graduation requirements will affect the pupil's ability to gain admission to a postsecondary educational institution.
- (3) Provide information to the pupil about transfer opportunities available through the California Community Colleges.
- (4) Permit the pupil to stay in school for a fifth year to complete the local educational agency's graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the educational rights holder.

If the local educational agency fails to provide timely notice of the exemption, the pupil shall be eligible for the exemption, once notified, even if that notification occurs after the termination of the court's jurisdiction of the pupil or after the pupil is no longer considered a homeless youth.

If a foster child or homeless youth is exempt from local graduation requirements pursuant to this section and completes the statewide coursework requirements before the end of his or her fourth year of high school and that pupil would otherwise be entitled to remain in attendance at the school, a school or local educational agency shall not require or request that the pupil graduate before the end of his or her fourth year of high school, nor shall the foster child or homeless youth be required to accept the exemption or be denied enrollment in courses for which they are otherwise eligible.

If a foster child or homeless youth is not exempt from local graduation requirements or has previously declined the exemption pursuant to this section, a local educational agency shall exempt the pupil at any time if an exemption is requested by the pupil and the pupil qualifies for the exemption. The exemption shall apply after termination of the court's jurisdiction or after pupil is no longer considered a homeless youth.

A transfer shall not be requested solely to qualify for an exemption under this section.

The local educational agency shall accept coursework satisfactorily completed by a foster child or homeless youth while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and issue that pupil full or partial credit for the coursework completed.

The local educational agency may not require a foster child or homeless youth to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. If the pupil did not complete the entire course, the local educational agency may not require the pupil to retake the portion of the course the pupil completed unless the local educational agency in consultation with the educational rights holder, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the foster child or homeless youth shall be enrolled in the same or equivalent course, if applicable, so that the pupil may continue and complete the entire course. The pupil

shall not be prevented from taking or retaking a course to meet eligibility requirements for admission to the California State University or University of California.

A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complainant not satisfied with the decision of a local educational agency may appeal the decision to the CDE and shall receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal.

If a local educational agency finds merit in a complaint, or the Superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

[Children of Military Families and Other Protected Pupils-EC 49701, 51225.1, 51225.2](#)

A pupil who is a “child of a military family” is defined as school-aged child or children, enrolled in kindergarten through twelfth grade, in the household of an active duty member. “Active duty” means full-time status in the active uniformed service of the United States, including member of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. sections 1209 and 1211.

Children of military families who transfer between schools any time after the completion of the pupil’s second year of high school shall be exempt from all coursework and other graduation requirements adopted by the governing board of the local educational agency that are in addition to the statewide coursework requirements, unless the local educational agency makes a finding that the child of a military family is reasonably able to complete the local educational agency’s graduation requirements in time to graduate from high school by the end of the pupil’s fourth year of high school.

Within 30 days of the child of a military family’s transfer into a school, the local educational agency should determine whether the child of a military family is reasonably able to complete the local educational agency’s graduation requirements within the pupil’s fifth year of high school. If the pupil is reasonably able to complete the local educational agency’s graduation requirements within a fifth year of high school, the local educational agency shall do all of the following:

- A. Inform the pupil of his or her option to remain in school for a fifth year to complete the local educational agency’s graduation requirements.
- B. Inform the pupil, and the educational rights holder, about how remaining in school for a fifth year to complete the local educational agency’s graduation requirements will affect the pupil’s ability to gain admission to a postsecondary educational institution.
- C. Provide information to the pupil about transfer opportunities available through the California Community Colleges.
- D. Permit the pupil to stay in school for a fifth year to complete the local educational agency’s graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the educational rights holder.

Within 30 calendar days of the date that a pupil who is a child of a military family who may qualify for the exemption from local graduation requirements transfers into a school, the BCOE school shall notify the pupil and the pupil’s parent or guardian of the availability of the exemption and whether the pupil qualifies for an exemption.

If the BCOE school fails to provide timely notice, the pupil shall be eligible for the exemption from local graduation requirements, even if that notification occurs after the pupil no longer meets the definition of “a child of a military family.”

If a child of a military family is exempt from local graduation requirements pursuant to this section and completes the statewide coursework requirements before the end of his or her fourth year of high school and that pupil would otherwise be entitled to remain in attendance at the school, a school or local educational agency shall not require or request that the pupil graduate before the end of his or her fourth year of high school, nor shall the child of a military family be required to accept the exemption or be denied enrollment in courses for which they are otherwise eligible.

If a child of a military family is not exempt from local graduation requirements or has previously declined the exemption pursuant to this section, a local educational agency shall exempt the pupil at any time if an exemption is requested by the pupil and the pupil qualifies for the exemption. The exemption shall apply after the pupil no longer meets the definition of “a child of a military family” while he or she is enrolled in school or if the pupil transfers to another school or school district.

The BCOE shall not require, and a parent or guardian shall not request, a child of a military family to transfer schools solely to qualify the pupil for an exemption under this section.

The local educational agency shall accept coursework satisfactorily completed by a pupil who is a child of a military family while attending another public school (including schools operated by the United States Department of Defense), a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and issue that pupil full or partial credit for the coursework completed.

The local educational agency may not require a child of a military family to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. If the pupil did not complete the entire course, the local educational agency may not require the pupil to retake the portion of the course the pupil completed unless the local educational agency in consultation with the educational rights holder, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the child of a military family shall be enrolled in the same or equivalent course, if applicable, so that the pupil may continue and complete the entire course. The pupil shall not be prevented from taking or retaking a course to meet eligibility requirements for admission to the California State University or University of California.

A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complainant not satisfied with the decision of a local educational agency may appeal the decision to the CDE and shall receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal.

If a local educational agency finds merit in a complaint, or the Superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

The above protections shall also apply to pupils in foster care, pupils who are homeless, former juvenile court school pupils, migratory children, and pupils participating in a newcomer program, as defined in Education Code section 51225.2(a).

Pupil Protections Relating to Immigration and Citizenship Status-EC 234.7

Except as required by state or federal law or as required to administer a state or federally supported educational program, the BCOE shall not collect information or documents regarding citizenship or immigration status of pupils or their family members.

Should any request be made for information or access to a school-site by an officer or employee of a law enforcement agency for the purpose of enforcing immigration laws, BCOE's staff shall report to the Superintendent, or designee, any such requests in a timely manner that ensures the confidentiality and privacy of any potentially identifying information.

If BCOE staff becomes aware that a pupil's parent or guardian is not available to care for the pupil, staff shall first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. BCOE will not contact Child Protective Services to arrange for the pupil's care unless it is unable to arrange care through the use of emergency contact information provided by the parents or other information provided by the parent or guardian.

All children have a right to a free public appropriate education, regardless of immigration status or religious beliefs. Therefore, BCOE has fully adopted model policies published by the Attorney General's Office entitled "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues" (<https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>). These policies include, but are not limited to, refraining from collecting national origin information during the school enrollment process, accepting all forms of evidence listed in California Education Code section 48002 for the purpose of verifying student age, and not including citizenship status, immigration status, place of birth, or any other information indicative of national origin as directory information. Please visit the State of California's Attorney General's "Know Your Rights" page for more information at <https://oag.ca.gov/immigrant/rights>.

Pupils with Temporary Disabilities; Individual Instruction-EC 48206.3, 48207, 48207.3, 48207.5, 48208

Special individual instruction (as distinct from independent study) is available for students with temporary disabilities that make attendance at school impossible or inadvisable. Parents or guardians should first contact the principal to determine services.

Disabled Pupils-Section 504 of the Rehabilitation Act of 1973

Section 504 of the federal Rehabilitation Act of 1973, and the Americans with Disabilities Act (42 USC 12101, et seq.) prohibits discrimination on the basis of disability. Section 504 requires schools identify and evaluate children with disabilities in order to provide them a free, appropriate public education. Individuals with a physical or mental impairment that substantially limits one or more major life activities, including seeing, hearing, walking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking, are eligible to receive

services and aids designed to meet their needs as adequately as the needs of non-disabled students are met.

- Name and contact information of BCOE's designated individual for implementing Section 504: Maryanne Taylor, Senior Director, Special Education (530) 532-5650.
- Screening and evaluation procedures used by BCOE schools when there is a reason to believe a student has a disability under Section 504 (SP 6164.6):
<https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.
- A student has the right to a written accommodation plan if the student qualifies for services under Section 504.
- A student has the right to be educated with non-disabled students to the maximum extent appropriate based on the student's needs.
- A copy of the parents or guardians legal safeguard can be obtained by contacting the Section 504 designee or the principal.

Special Education: Child Find System-Idea; EC 56301

Federal and state law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Any parent suspecting a child has exceptional needs due to a disability may request an assessment for eligibility for special education services (SP 6159):

<https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

Special Education: Complaints-EC 56500.2

Parents or guardians have a right to file a written complaint with the school if they believe the school is in violation of federal or state law governing the identification or placement of special education students, or similar issues. State regulations require the party filing the complaint to forward a copy of the complaint to the Butte County Office of Education at the same time the party files the complaint with the California Department of Education. Procedures are available from your building principal.

Special Education: Due Process Hearings-EC 56502

The State Superintendent is required to develop a model form to assist parents and guardians in filing requests for due process. Available at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Request-for-Mediation-and-Due-Process-Hearing-Form> is the model form for parents that wish to initiate due process hearings relating to special education rights.

Special Education Program Complaints-5 CCR 3200 – 3205

Complaints regarding special education programs are no longer covered by the LEA's Uniform Complaint Procedures. Please refer to the Notice of Procedural Safeguards, Special Education Rights of Parents and Children under the IDEA and the California Education Code, which is available from your child's school or may be accessed here: <https://www.cde.ca.gov/sp/se/qa/pseng.asp#accordionfaq>, for more information about filing a complaint. Complaints alleging that a student was discriminated against due to his or her disability still fall under the Uniform Complaint Procedures.

Child Nutrition Program Complaints-5 CCR 15580-15584

Complaints related to Child Nutrition Programs established pursuant to the National School Lunch Program, Summer Food Service Program, Child and Adult Care Food Program, Special Milk Program, School Breakfast Program, and Food Distribution Program are no longer processed through the LEA's Uniform Complaint Procedures. Instead, complaints must be processed through the existing procedures outlined in the federal regulations and the new, related state regulations, California Code of Regulations, title 5, sections 15580 – 15584. A complaint must be submitted within one year of the date of the alleged violation, and may be filed by phone, e-mail, or letter. Please see California Code of Regulations, title 5, sections 15580 – 15584 for more information.

Williams Complaint Policy and Procedures-EC 35186

The Butte County Office of Education has adopted a uniform complaint process to help identify and resolve deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff and teacher vacancy or mis-assignment. Notice of the complaint process and the location at which to obtain a complaint form is posted in all classrooms. Please see attached Administrative Regulation and Exhibit 1312.4 for more information.

Williams Complaints-5 CCR 4680 – 4687

Complaints pertaining to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancies or mis-assignments may be filed anonymously with the school Principal or his or her designee. Please see California Code of Regulations, title 5, sections 4680 – 4687 and Administrative Regulation and Exhibit 1312.4 (attached) for more information.

State Preschool Health and Safety Issues Complaints (5 CCR 4690 – 4694)

Complaints regarding state preschool health and safety issues in LEAs exempt from licensing are now processed exclusively via the procedures set forth in the California Code of Regulations, title 5, sections 4690 through 4694, and are no longer processed through the LEA's Uniform Complaint Procedures. Complaints must be filed with the preschool program administrator, or his/her designee, and may be filed anonymously. (Education Code section 8235.5.)

Uniform Complaint Procedures-5 C.C.R. 4622

The Butte County Office of Education has adopted a Uniform Complaint Procedure. BCOE schools shall follow uniform complaint procedures when addressing complaints involving adult education programs, After School Education and Safety programs, agricultural career technical education, federal career technical education, child care and development programs, compensatory education, consolidated categorical aid programs, the federal Every Student Succeeds Act, migrant education, Regional Occupational Centers and Programs, school safety plans, or any other BCOE-implemented program that is not funded through the local control funding formula pursuant to Education Code 64000 (5 CCR 4610). Information regarding the Uniform Complaint Form can be found online at: <https://drive.google.com/file/d/19twXJtowmaTzt5PQk2ziNfJNj0AiA3Yp/view?usp=sharing> or see the Superintendent's Policy and Administrative Regulation (SP 1312.3) at: <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html> , which is also included in the appendix.

RECORDS

Special Education: Inspection of Records-EC 56043(n)

Upon request, parents or guardians of children with exceptional needs may examine and receive copies of the student's records within five business days after a request is made and prior to any Individualized Education Program meeting, hearing or resolutions session regarding their child.

Pupil Records; Notification of Rights-20 U.S.C. 1232g; EC 49063, 49068, 49069, 49073

Parents, pupils 18 and over, pupils 14 and over that are both homeless and an unaccompanied youth, and individuals who have completed and signed a Caregiver's Authorization Affidavit, have rights concerning pupil records under Education Code section 49063. These rights include:

- The right to inspect and review the student's education records within five (5) business days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will forward requests to the Custodian of Records. The Custodian of Records will make arrangements for access and notify the parent or eligible student.
- The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading. Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request from officials of another school district in which a student seeks or intends to enroll, the BCOE shall disclose education records without parental consent.
- When a student moves to a new district, the BCOE will forward the student's records upon the request of the new school district within 10 school days.

A foster family agency with jurisdiction over a currently enrolled or former pupil, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver who has direct responsibility for the care of a pupil may access the current or most recent records of grades, transcripts, attendance, discipline, online communications on school platforms, any IEPs or Section 504 plans maintained by the responsible LEA of that pupil. The above-referenced individuals may access the pupil records listed above solely for the purpose of monitoring the pupil's educational progress, updating and maintaining the pupil's education records as required by Welfare and Institutions Code section 16010, and to ensure the pupil has access to educational services, supports and activities, including enrolling the pupil in school, assisting the pupil with homework, class assignments, and college

and scholarship applications, and enrolling the pupil in extracurricular activities, tutoring and other afterschool or summer enrichment programs.

“Student Records” do not include:

- Instructional, supervisory or administrative notes by BCOE staff that are made only for that staff member or his/her substitute
- Records of a law enforcement unit that were created for use by the law enforcement unit
- Employee records made for personnel use
- Records of a doctor, psychologist, psychiatrist or other treatment provider and/or assistant regarding a student who is 18 or older or who is attending a postsecondary educational institution. In this case, “treatment” does not include remedial instructional measures.

Parents have a right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920**

ASSESSMENTS, SURVEYS & OTHER NOTIFICATIONS

[California Assessment of Student Performance and Progress-EC 52052, 60640](#)

The California Assessment of Student Performance and Progress (“CAASPP”) System was established on June 1, 2014. Commencing with the 2014-2015 school year, the CAASPP System includes Smarter Balanced Summative assessments in English Language Arts and Math in grades three through eight and eleven and California Alternate Assessments (“CAA”) in English Language Arts and Math in grades three through eight and eleven for students with significant cognitive disabilities. The California Science Test (“CAST”) for science is required for all students in grades five, eight and once in high school unless the student’s IEP indicates administration of the CAA. BCOE will administer a standards-based test in Spanish for reading/language arts in grades two through eleven for Spanish-speaking English learners who either receive instruction in their primary language or have been enrolled in a school in the United States for less than twelve months. A parent or guardian may make a written request to excuse his or her child from any or all parts of the assessment.

[Surveys-EC 51513; 20 U.S.C. 1232h](#)

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

Availability of Prospectus-EC 49091.14

Each school site shall create a prospectus which includes the curriculum, including titles, descriptions, and instructional aims of every course offered. The prospectus shall be made available upon request by parent or guardian.

School Accountability Report Card (SARC)-EC 35256, 35258

The School Accountability Report Card provides parents and other interested members of the community a variety of information about the school, its resources, its successes, and the areas where it needs improvement. On or before February 1 of each year, an updated copy of the School Accountability Report Card for each BCOE operated school is prominently displayed on each school's website. A hard copy will also be provided upon request to any student's parent or guardian.

FINANCIAL

Pupil Fees-EC 49010

The Butte County Office of Education maintains a policy concerning the provision of a free education to pupils and for filing a complaint of non-compliance pursuant to the Uniform Complaint Procedures with the principal of the school alleged to be in non-compliance. More information is available online at <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

Pupil Collection of Debt-EC 49014

A pupil or former pupil, unless emancipated at the time the debt is incurred, shall not owe or be billed for a debt owed to an LEA.

An LEA cannot take negative action against a pupil or former pupil for a debt owed, including, but not limited to, all of the following:

- Denying full credit for any assignments for a class;
- Denying full and equal participation in classroom activity;
- Denying access to on-campus educational facilities, including, but not limited to, the library;
- Denying or withholding grades or transcripts;
- Denying or withholding a diploma;
- Limiting or barring participation in an extracurricular activity, club, or sport; and
- Limiting or excluding from participation in an educational activity, field trip, or school ceremony

Information About Completion of Applications for Student Financial Aid-EC 51225.8

Commencing with the 2020-21 school year, the BCOE schools must ensure that each student, at least once before the pupil enters grade 12, receives information on how to properly complete and submit either the FAFSA or California Dream Act application. A paper copy of the FAFSA or the California Dream Act application must be provided to a pupil or parent/guardian upon request.

Investing for Future Education-EC 48980(d)

The BCOE encourages the investment by parents or guardians for higher education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

TRANSITIONS

College Admission Requirements and Technical Education-EC 51225.3, 51229

For students who wish to continue their education after high school, the State of California offers community colleges, California State Universities (CSU), and Universities of California (UC).

Information pertaining to college admission requirements, information about University of California and California State University websites, information about technical information and the availability of school counselors to help students in choosing appropriate high school courses can be found online at (CSU) http://www.csumentor.edu/planning/high_school/ and

(UC) <http://admission.universityofcalifornia.edu/>

<https://admission.universityofcalifornia.edu/admission-requirements/freshman-requirements/subject-requirement-a-g.html>

The Butte County Office of Education allows a career technical education course to satisfy the visual/performing arts or world language graduation requirement, more information about high school graduation requirements and how each requirement satisfies or does not satisfy the subject matter requirements for admission to the California State University and the University of California, as well as a complete list of career technical education courses offered by BCOE schools that satisfy the subject matter requirements for admission to the California State University and the University of California can be found online at

<https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

In order to attend a community college, students need only be a high school graduate or 18 years of age. In order to attend a CSU, students have to take specific high school courses, have the appropriate grades and test scores, and have graduated from high school. Test scores are not required if the student's GPA is 3.0 or above. In order to attend a UC, students must meet coursework requirements, obtain the necessary GPA and test scores, or rank on the top four percent at a participating high school, or qualify by examination alone. Students may also transfer to a CSU or UC after attending community college. For more information on college admission requirements, please refer to the following websites.

www.cccco.edu – This is the official website of the California Community College system. It offers links to all of the California Community Colleges.

www.assist.org – This interactive site provides course transfer information for students planning to transfer from a California Community College to a CSU or UC.

www.csumentor.edu – This extensive online site offers assistance to students and their families on the CSU system, including the ability to apply online, and links to all CSU campuses.

www.universityofcalifornia.edu – This massive website offers information regarding admissions, online application, and links to all UC campuses.

Career Technical Education 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. "Career technical education engages all students in a dynamic and seamless learning experience resulting in their mastery of the career and academic

knowledge and skills necessary to become productive, contributing members of society” (California Technical Education Framework for California Public Schools, grades Seven through Twelve (2007).

For more information, visit the California Department of Education’s website at <http://www.cde.ca.gov/ci/ct/>

[Financial Assistance for Advanced Placement Fees-EC 48980\(j\), 52242](#)

BCOE schools may help pay for all or part of the costs of one or more advanced placement examinations charged to economically disadvantaged pupils.

[California High School Proficiency Exam-5 C.C.R. 11523](#)

The California High School Proficiency Exam (CHSPE) is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. Eligible pupils who pass the CHSPE are awarded a Certificate of Proficiency by the State Board of Education. A pupil who receives a Certificate of Proficiency may, with verified approval from the parent or legal guardian, leave high school early. The Certificate of Proficiency, however, is not equivalent to completing all course work required for regular graduation from high school. For more information, including administration dates and registration deadlines, visit the following website: <http://www.chspe.net/>.

[Cal Grant Program-EC 69432.9](#)

All pupils enrolled in grade 12 will be deemed Cal Grant applicants, unless they, or their parent or guardian if the pupil is 17 years or younger, specifically opts-out of such notification. BCOE will electronically submit each 12th grade pupil’s grade point average during the pupil’s 12th grade school year. A pupil of 18 years of age or a parent or guardian of a pupil 17 years or younger, may, by written statement, opt out of the Cal Grant program.

PRIVACY

[Directory Information-EC 49073](#)

“Directory Information” includes one or more of the following items: student’s name, address, telephone number, email address, date of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent public or private school attended by the student. The BCOE has determined that the following individuals, officials, or organizations may receive directory information:

- Certain school publications
- Outside organizations including, but not limited to, companies that manufacture class rings or publish yearbooks
- Military recruiters
- Post-secondary educational institutions
- Outside governmental agencies

No information may be released to a private profit-making entity other than employers, prospective employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. Directory information may be disclosed without prior consent from the parent or legal guardian unless the parent or legal guardian submits a written notice to the school to deny access to his/her pupil’s directory information. However, directory information related to homeless and

unaccompanied youth will not be released without the express written consent for its release by the eligible pupil, his/her parent or guardian.

The BCOE may disclose appropriately designated "directory information" as specified herein without written consent unless advised to the contrary in accordance with procedures.

Parents/guardians must notify the BCOE in writing every year if they do not want the BCOE to disclose directory information from their child's education records without prior written consent.

Also, in accordance with Section 49073.2, the LEA shall not include the directory information or the personal information of a pupil or of a parent or guardian of a pupil in the minutes of a meeting of its governing body, except as required by judicial order or federal law, if a pupil who is 18 years of age or older or a parent or guardian of a pupil has provided a written request to the secretary or clerk of the governing body to exclude his or her personal information or the name of his or her minor child from the minutes of a meeting of the governing body.

Personal information includes a person's address, telephone number, date of birth, and email address.

[Access by Military Recruiters-20 U.S.C. 7908](#)

BCOE provides military recruiters access to secondary school students' names, addresses and telephone listings upon request by the military recruiters. A pupil or parent may request that this information not be released to military recruiters without prior written parental consent.

[Marketing: Disclosure of Student Information-20 U.S.C. 1232g](#)

BCOE makes student directory information available in accordance with state and federal laws. This means that each student's name, birthday, address, telephone number, major course of study, participation in school activities, dates of attendance, awards, and the previous school attendance may be released to agencies such as the local PTA or Parent Club, or the military services. If you do not wish this information released, please contact the school or county office program.

[Medical Record Sharing-HSC 120440](#)

Medical information may be shared with local health departments and the State Department of Public Health. Any information shared shall be treated as confidential medical information. The student or parent or guardian has the right to examine any immunization-related information shared in this manner and to correct any errors in it; and the student or parent or guardian may refuse to allow this information to be shared in the manner described, or to receive immunization reminder notifications at any time, or both. You can obtain more information regarding medical record sharing by contacting the nurse through the school office.

[Illegal Recording of Confidential Communication-PC 632, EC 51512](#)

It is unlawful to intentionally eavesdrop or record the confidential communication between two or more parties without the consent of all parties to the confidential communication. The eavesdropping or recording of a confidential communication includes by means of any electronic amplifying or recording device whether the communication is carried on among the parties in the presence of one another or by means of a telegraph, telephone, or other device, except a radio. Such an act is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or imprisonment in the county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. Additionally, pursuant to Education Code section 51512, the use by any person, including a student, of any electronic listening or recording

device in any classroom without prior consent of the teacher and the principal is prohibited. Any person, other than the student, willfully in violation shall be guilty of a misdemeanor. Any pupil in violation is subject to BCOE's disciplinary procedures.

Electronic Products or Services That Disseminate Advertising-EC 35182.5

If the BCOE or its school programs enter into a contract for electronic products or services that requires the dissemination of advertising to students, written notice must be provided to the parents or guardians of the students that the advertising will be used in the classroom or other learning centers.

HEALTH AND SAFETY

California Healthy Youth Act-EC 51934, 51938

Students enrolled in BCOE school programs or activities may receive instruction in personal health and public safety, which may include accident prevention, first aid, fire prevention, conservation of resources, and health education including comprehensive sexual health education and HIV prevention.

BCOE plans to provide comprehensive sexual health education and/or HIV prevention education during each school year once in middle school and once in high school. The instruction shall include, among other things, information about sexual harassment, sexual abuse, and human trafficking. Information on human trafficking shall include both of the following:

- a) Information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance; and
- b) Information on how social media and mobile device applications are used for human trafficking.

Students will be taught by BCOE personnel. If BCOE schools decide to arrange for an outside consultant to provide comprehensive sexual health education and/or HIV prevention education, the school will provide notice to parents no fewer than 14 days before the instruction is delivered by mail or another form of communication.

A pupil's parent or guardian has the right to request from the BCOE, a copy of the California Healthy Youth Act, Education Code section 51930, *et. seq.* A pupil's parent or guardian also has the right to inspect and review the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education. Please contact the school office, if you wish to inspect materials.

A pupil's parent or guardian may submit a written request to excuse the pupil from participation in any class involving comprehensive sexual education or HIV prevention education by submitting their request in writing to the school office.

BCOE schools may administer for pupils in grades 7 to 12 inclusive, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex. A parent or guardian may excuse their child from the questionnaire, or survey by opting out of their student's participation in the questionnaires or surveys. Parents or guardians have a right review the questionnaire or survey. Please contact the school office for a copy.

The excused pupil shall not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education

or HIV prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.

While comprehensive sexual health education, HIV prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in questionnaire, or survey. More information can be found online at <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>.

[Pupil Safety: Human Trafficking Prevention Resources-EC 49381](#)

The County Office Superintendent or designee will work with schools that maintain any grades 6 to 12, inclusive, to identify the most appropriate methods of informing parents and guardians of pupils in those grades of human trafficking prevention resources and to implement the identified methods in those schools by January 1, 2020.

[Pupil Nutrition-EC \(IF CHARTER, 47613.5\) 49510-49520; 49564-49564.5](#)

Free or reduced-priced meals are available for pupils in receipt of public assistance. Meal program details are provided at the pupil's school site. All parents and guardians receive a letter with the application form upon enrollment. To apply for free or reduced-price meals, households must fill out the application and return it to the school. Butte County Juvenile Hall provides meals to all students enrolled at Table Mountain Court School.

[Immunization and Communicable Diseases-EC 48216, 49403](#)

The Butte County Office of Education shall follow all laws, rules, and regulations regarding immunizations required for students to enroll. The BCOE shall not admit any student until the student is properly immunized as required by law. If there is good cause to believe a student has been exposed to a disease and his or her proof of immunization does not show proof of immunization against that disease, the BCOE may temporarily exclude the child from school until the local health officer is satisfied that the child is no longer at risk of developing or transmitting the disease. Homeless students retain the right to enroll without immunization records and must obtain appropriate immunizations once enrolled.

If the parent or guardian files with the governing authority a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization, that child shall be exempt from the immunization requirements.

Students who had a medical exemption on file and issued on or before December 31, 2020 will be allowed continued enrollment until they enroll in the next grade span. Grade spans are: (1) birth through preschool, (2) Kindergarten through 6th grade, and (3) 7th through 12th grade.

As of January 1, 2021, the standardized certification form developed by the California Department of Public Health shall be the only documentation of a medical exemption that the BCOE may accept. (Health and Safety Code section 120372(a).)

Effective January 1, 2016: The California Legislature eliminated the exemption from specified immunization requirements based upon personal beliefs. A pupil who, prior to January 1, 2016, submitted a letter or affidavit on file with the BCOE stating beliefs opposed to immunization shall be allowed enrollment to any BCOE school until the pupil enrolls in the next grade span. Grade span means: (1) from birth to preschool; (2) Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten; and (3) grades 7 to 12 inclusive.

Medication-EC 49423

Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician or physician assistant and a parental request for assistance in administering the medications. Any student may carry and self-administer prescription auto-injectable epinephrine only if the student submits a written statement of instructions from the physician or physician assistant and written parental consent authorizing the self-administration of medication, providing a release for the school nurse or other personnel to consult with the child's health care provider as questions arise, and releasing the BCOE and personnel from civil liability if the child suffers any adverse reaction as a result of the self-administration of medication.

Continuing Medication Regimen-EC 49480

The parent or legal guardian of any pupil on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other contact person of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or legal guardian of the pupil, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

Medical and Hospital Services for Pupils-EC 49471, 49472

BCOE does not offer medical or hospital services for injuries arising from out of school-related activities.

Physical Examination; Parent Refusal to Consent-EC 49451

A parent or guardian may, by written statement filed annually, refuse to consent to the physical examination, including the vision, hearing and scoliosis screening, of his/her child; however, a child may be sent home if, for good reasons, he or she is believed to be suffering from a recognized contagious or infectious disease. Educ. Code 49451. School children are screened for vision and hearing at selected grade levels.

BCOE conducts applicable non-emergency, physical examinations or screenings during the fall semester or during a Triennial assessment for any student in need who has an Individual Education Plan. Education Code section 49455 requires a pupil's vision to be appraised by the school nurse or other authorized person during kindergarten or upon first enrollment or entry in a California school of a pupil at an elementary school, and in grades 2, 5, and 8, unless a pupil's first entry or enrollment occurs in grade 4 or 7.

Child Health and Disabilities Prevention Program-HSC 124085, 124105

Before a child enters first grade, his or her parents must obtain a waiver or health screening for the child and complete the provided certificate or sign a waiver. The screening should take place before (within the prior 6 months) or during the kindergarten year. Parents are encouraged to obtain health screening

simultaneously with required immunizations. Parents may inquire in the school office about free health screenings for low-income children provided under the Child Health and Disabilities Prevention Program.

Sun Protective Clothing/Use of Sunscreen-EC 35183.5

BCOE allows for outdoor use of sun-protective clothing and the use of sunscreen by students during the day.

Access to Student Mental Health Services-EC 49428

The BCOE shall notify pupils and parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both.

To notify parents or guardians, a school shall use at least two of the following methods:

- Distribute the information in a letter (electronic or hardcopy)
- Include the information in the annual parent notification
- Post the information on the school's Internet Web site or page

To notify pupils, a school shall use at least two of the following methods:

- Distribute the information in a document or school publication
- Include the information in pupil orientation materials or in a pupil handbook at the beginning of the year
- Post the information on the school's Internet Web site or page

If a school decides to notify parents through distributing the information in a letter and posting the information on the school's Internet Web site or page, then it need not also include the information in the annual parent notification.

Tobacco-Free Campus-HSC 104420, 104495

BCOE receives Tobacco Use Prevention funding to adopt and enforce a tobacco-free campus policy. Information about the policy and enforcement procedures may be found online at <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>. Health and Safety Code section 104495 prohibits smoking and use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground. The prohibition does not apply to a public sidewalk located within 25 feet of a playground.

Victims of Bullying Transfer Rights-EC 46600

School districts must approve the request of a bullying victim, as defined, to transfer to another school within the district. If the requested school is at capacity, the school district must accept a request for an alternate site. If the school district of residence has only one school available, the school district of residence must honor the student's interdistrict transfer request if the school district of proposed enrollment approves the transfer.

Asbestos-40 C.F.R. 763.93

The Butte County Office of Education has a current management plan for asbestos containing materials for all BCOE portables. The plan is available for inspection at the Maintenance and Operations Office during normal business hours.

Use of Pesticides-EC 17612, 48980.3

The name of all pesticide products expected to be applied at the school facilities during the upcoming year can be found at https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/355382/19-20_Note_of_Planned_Pesticide_Use.pdf. Persons wishing to be notified in advance of individual pesticide applications may register with the Maintenance and Operations Office for that purpose. To register, contact: Director, M & O (530) 532-5601. Additional information on pesticides is made available by the Department of Pesticide Regulation at www.cdpr.ca.gov.

The Butte County Office of Education has developed an integrated pest management plan to provide a safe and low-risk approach to manage pest problems while protecting the environment, people and property. BCOE's integrated pest management plan can be found on <https://www.bcoe.org/Divisions/Important-Information/index.html> and parents or guardians may also view the integrated pest management plan at 1859 Bird St. Oroville, CA during normal business hours.

Persistently Dangerous School Choice-5 C.C.R. 11993(k); 20 U.S.C. 7912

Students shall be allowed to attend a safe school. The BCOE shall notify parents or guardians of pupils in elementary and/or secondary schools considered to be "persistently dangerous" pursuant to California Department of Education guidelines and of available options for attendance at a safe school. "Any firearms violations" is an event which must be considered in determining whether a school site is at risk of being classified as persistently dangerous.

Comprehensive School Safety Plan-EC 32286, 32288

Each school is required to develop a school safety plan, which includes a comprehensive disaster preparedness plan. Copies of the school safety plan are available to read at the school office during normal business hours.

Child Abuse and Neglect Reporting-Penal Code 11164

BCOE staff are required by law to report cases of child abuse and neglect to the appropriate law enforcement agency when they have a reasonable suspicion that a child has been a victim of child abuse and/or neglect. Reasonable suspicion does not require certainty that the child abuse and/or neglect has occurred. The reporting staff member's name and report are confidential. The fact that a child is homeless or an unaccompanied minor is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

Disruption in Public School or Meeting-EC 32210

Any person who willfully disturbs any public school or public-school meeting is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500).

Megan's Law-Penal Code-290

Information about registered sex offenders in California and how to protect their families can be found at <http://meganslaw.ca.gov/>.

Custody Issues

Schools are not a forum to settle custody disputes and the school has no legal jurisdiction to refuse a biological parent access to his or her child and the child's school records unless a signed restraining order

or proper divorce papers specifically setting forth limitations are on file at the school office. Custody disputes must be handled by the courts.

School Visiting Procedures-EC 51101(a)(12)

The BCOE policy concerning visiting procedures may be found online at <https://www.bcoe.org/Administration/Superintendent-Sakuma/Policies--Procedures/index.html>. Penal Code section 627.6: requires schools to post at every entrance a notice of visitor registration requirements, registration hours, registration location, and penalties for the violation of the registration requirements.

Walking or Riding A Bike to School-VC 21212

The BCOE requests that parents or guardians of children who walk or ride their bike to school plan a safe route to school with their children. The route shall not involve shortcuts through private property and all students are expected to exhibit good behavior. Furthermore, a student under 18 years of age may be fined for not wearing a properly fitted and fastened helmet, and the parent or legal guardian of a minor who violates this section shall be jointly and severally liable with the minor for the fine.

Cyber Sexual Bullying-EC 234.2

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

APPENDIX

BCOE CALENDAR

Butte County Office of Education
Mary Sakuma, Superintendent

Month	M	T	W	T	F	Holidays	Days in Month
July	4	5	6	7	1	July 4 Independence Day	21
	11	12	13	14	15		
	18	19	20	21	22		
	25	26	27	28	29		
August	1	2	3	4	5		23
	8	9	10	11	12		
	15	16	17	18	19		
	22	23	24	25	26		
	29	30	31				
September	5	6	7	8	2	September 5 Labor Day	22
	12	13	14	15	9		
	19	20	21	22	16		
	26	27	28	29	23		
				30			
October	3	4	5	6	7		21
	10	11	12	13	14		
	17	18	19	20	21		
	24	25	26	27	28		
	31						
November	1	2	3	4	11	November 11 Veteran's Day	22
	7	8	9	10	18	November 23 [in lieu of Admission Day]	
	14	15	16	17	25	November 24 Thanksgiving Day	
	21	22	23	24		November 25 BCOE Holiday	
	28	29	30				
December	5	6	7	1	2	December 23 BCOE Holiday	22
	12	13	14	8	9	December 26 Christmas Holiday	
	19	20	21	15	16	December 30 BCOE Holiday	
	26	27	28	22	23		
				29	30		
January	2	3	4	5	6	January 2 New Years Holiday	21
	9	10	11	12	13	January 16 Martin L. King Day	
	16	17	18	19	20		
	23	24	25	26	27		
	30	31					
February	6	7	8	2	3	February 17 Lincoln's Birthday	20
	13	14	15	9	10	February 20 Washington's Birthday	
	20	21	22	16	17		
	27	28		23	24		
March	6	7	8	2	3		23
	13	14	15	9	10		
	20	21	22	16	17		
	27	28	29	23	24		
				30	31		
April	3	4	5	6	7		20
	10	11	12	13	14		
	17	18	19	20	21		
	24	25	26	27	28		
May	1	2	3	4	5		23
	8	9	10	11	12		
	15	16	17	18	19	May 29 Memorial Day	
	22	23	24	25	26		
	29	30	31				
June	5	6	7	1	2		22
	12	13	14	8	9		
	19	20	21	15	16		
	26	27	28	22	23		
				29	30		

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Holiday
BCOE Holiday

Approved: January 2022

FAQs: RIGHTS AND OPTIONS AVAILABLE TO PREGNANT/PARENTING PUPILS

Assembly Bill (AB) 2289 states that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children by establishing specified rights. The law is effective as of January 2019.

Can my school treat me differently because of my pregnancy or parental status?

No, Title IX of the United States Code prohibits discrimination based on sex, which includes both pregnancy and parental status.

Can my school prevent me from participating in any educational program or activity?

No, a school may not exclude or deny a pregnant or parenting pupil from any educational program or activity, including class or extracurricular activity, based solely on the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. However, a school may require a pupil to obtain a doctor's note to ensure that they are emotionally and/or physically able to continue participation in the educational program.

Can my school force me to take part in a pregnant minor program?

No, a pregnant or parenting pupil does not have to participate in any alternative educational program because of pregnancy or parental status. A student may voluntarily take part in these programs if they choose.

Am I entitled to any parental leave in preparation or to take care of my newborn child?

Yes, any pregnant or parenting pupil is entitled to a minimum of eight weeks of parental leave, which may be increased under medical necessity. A pupil is not required to complete any class work during this period, and it must be counted as an excused absence by the school.

What if my child is sick?

Taking care of a sick child counts as an excused absence, and the school may not require you to provide a doctor's note for this kind of absence.

What happens when I return to school?

A pregnant or parenting pupil will return to their normal course of study. The pupil is entitled to opportunities to make up any missed work from parental leave. This includes being able to stay for a

fifth year of school to complete graduation requirements. The pupil may also enroll in an alternative educational program provided it is equal to that of their former schoolwork.

Do these rights only apply to pregnant pupils?

No, these rights apply equally to all pregnant and parenting pupils, defined as any student who gives or expects to give birth, or any student who identifies as a parent of an infant. A pupil may file a uniform complaint if their school violates the rules above.

BCOE PARENT INVOLVEMENT POLICY

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 6020

PARENT INVOLVEMENT

The County Superintendent recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The County Superintendent or designee shall work with staff and parents/guardians to jointly develop and agree upon policy and strategies to meaningfully involve parents/guardians and family members in County Office and school activities at all grade levels; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The BCOE local control and accountability plan (LCAP) shall include goals and strategies for parent/guardian involvement, including efforts to seek parent/guardian input in County Office and school site decision making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities.

The County Superintendent, or designee, shall regularly evaluate and report to the Board on the effectiveness of parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

Title I Schools

The County Superintendent or designee shall involve parents/guardians and family members in establishing expectations and objectives for meaningful parent/guardian and family engagement in schools supported by Title I funding, developing strategies that describe how the County Office will carry out each activity listed in 20 USC 6318, as contained in the accompanying administrative regulation, and implementing and evaluating such programs, activities, and procedures. As appropriate, the County Superintendent or designee shall conduct outreach to all parents/guardians and family members.

When the County Office Title I, Part A allocation exceeds the amount specified in 20 USC 6318, the County Office shall reserve at least one percent of the funding to implement parent/guardian and family engagement activities and shall distribute at least 90 percent of those reserved funds to eligible schools, with priority given to high-need schools as defined in 20 USC 6631. The County Superintendent or designee shall involve parents/guardians and family members of participating students in decisions regarding how Title I funds will be allotted for parent/guardian and family engagement activities.

Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following:

1. Support for schools and nonprofit organizations in providing professional development for County Office and school staff regarding parent/guardian and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents/guardians and family members
2. Support for programs that reach parents/guardians and family members at home, in the community, and at school
3. Dissemination of information on best practices focused on parent/guardian and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents/guardians and family members
4. Collaboration with, or the provision of subgrants to schools to enable collaboration, with community-based or

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

other organizations or employers with a record of success in improving and increasing parent and family engagement

5. Any other activities and strategies that the County Office determines are appropriate and consistent with this policy

If the County Office receives funds under federal Title IV, Part E, to coordinate and enhance family engagement programs, the County Superintendent or designee shall inform parents/guardians and organizations of the existence of Title IV.

The County Superintendent Policy and Administrative Regulation aligned parent/guardian and family engagement strategies are addressed in the Federal Addendum to the LCAP, per SP 0460 and 20 USC 6312.

The County Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent/guardian and family engagement policy in accordance with 20 USC 6318.

County Office and school-level parent/guardian and family engagement policies and administrative regulations shall be distributed to parents/guardians of students participating in Title I programs and shall be available to the local community. Parents/guardians shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand.

Non-Title I Schools

The County Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how schools will address the purposes and goals described in Education Code § 11502.

Legal Reference:

Education Code

11500-11506 Programs to encourage parent involvement 48985 Notices in languages other than English

51101 Parent rights and responsibilities

52060-52077 Local control and accountability plan

54444.1-54444.2 Parent advisory councils, services to migrant children 56190-56194 Community advisory committee, special education 64001 Single plan for student achievement

LABOR CODE

230.8 Time off to visit child's school CODE OF REGULATIONS, TITLE 5

18275 Child care and development programs, parent involvement and education UNITED STATES CODE, TITLE 20 6311 State plan

6312 Local educational agency plan 6314 Schoolwide programs 6318 Parent and family engagement

6631 Teacher and school leader incentive program, purposes and definitions 7241-7246 Family engagement in education programs

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services

35.160 Communications

Approved: August, 2006

Revised: December, 2021

Revised: February, 2022

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 6020

REGULATIONS REGARDING PARENT INVOLVEMENT

Strategies for Title I Schools

To ensure that parents/guardians and family members of students participating in Title I programs are provided with opportunities to be involved in their children's education, the County Office shall:

1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency plan and the process of school review and improvement. The County Superintendent or designee may:
 - a. Establish a County Office -level parent advisory committee and, as applicable, an English learner parent advisory committee to review and comment on the plan in accordance with the review schedule
 - b. Invite input on the plan from other committees and school site councils
 - c. Communicate with parents/guardians through the County Office newsletter, web site, or other methods regarding the plan and the opportunity to provide input
 - d. Provide copies of working drafts of the plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand
 - e. Ensure that there is an opportunity at a public Board meeting for public comment on the plan prior to the Board's approval of the plan or revisions to the plan
 - f. Ensure that school-level policies on parent/guardian and family engagement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans
2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent/guardian and family members involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations or individuals with expertise in effectively engaging parents/guardians and family members in education. The County Superintendent or designee shall:
 - a. Assign personnel to serve as a liaison to the schools regarding Title I parent/guardian and family engagement issues
 - b. Identify funding and other resources, including community resources and services that may be used to strengthen County Office and school parent/guardian and family engagement programs
 - c. Provide training for the principal or designee of each participating school regarding Title I requirements for parent/guardian and family engagement, leadership strategies, and communication skills to assist in facilitating the planning and implementation of related activities
 - d. With the assistance of parents/guardians, provide information and training to teachers and other staff regarding effective parent/guardian involvement practices and legal requirements
 - e. Provide information to schools about the indicators and assessment tools that will be used to monitor progress
3. To the extent feasible and appropriate, coordinate and integrate Title I parent/guardian and family engagement strategies with parent/guardian and family engagement strategies of other relevant federal, state, and local programs and ensure consistency with federal, state, and local laws
The County Superintendent or designee may:
 - a. Identify overlapping or similar program requirements
 - b. Involve County Office and school site representatives from other programs to assist in identifying specific population needs
 - c. Schedule joint meetings with representatives from related programs and share data and information across programs
 - d. Develop a cohesive, coordinated plan focused on student needs and shared goals
4. Conduct, with meaningful involvement of parents/guardians and family members, an annual evaluation of the content and effectiveness of the parent/guardian and family engagement policy in improving the academic quality of the schools served by Title I, including identification of:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

- a. Barriers to participation in parent/guardian and family member engagement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
- b. The needs of parents/guardians and family members, so they can better assist with their children's learning and engage with school personnel and teachers
- c. Strategies to support successful school and family interactions

The County Superintendent or designee may:

- a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of school communications
 - b. Gather and monitor data regarding the number of parents/guardians and family members participating in district activities and the types of activities in which they are engaged
 - c. Implement measures to evaluate the impact of the County Office and school's parent/guardian and family engagement efforts on student achievement
5. Use the findings of the evaluation conducted pursuant to item #4 above to design evidence-based strategies for more effective parent/guardian and family involvement and, if necessary, to revise the parent/guardian and family engagement policy
 6. Involve parents/guardians and family members in activities of schools served by Title I. The County Superintendent or designee may:
 - a. Analyze data from the evaluation to identify parent/guardian and family engagement activities that have been successful and those activities that have had lower participation or less meaningful involvement by parents/guardians
 - b. Analyze parent/guardian and family participation to determine the level of participation by traditionally underrepresented groups
 - c. With the involvement of parents/guardians, recommend and draft proposed policy revisions to submit to the County Superintendent for consideration

In addition, the County Office shall promote the effective involvement of parents/guardians and support a partnership among the school, parents/guardians, and the community to improve student achievement by implementing the actions specified in item #7 of the section "School-Level Policies for Title I Schools" below. (20 USC 6318)

School-Level Policies for Title I Schools

At each school receiving Title I funds, a written policy on parent/guardian and family member involvement shall be developed jointly with and agreed upon by parents/guardians and family members of participating students. Such policy shall describe the means by which the school will:

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved;
2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent involvement;
3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent/guardian and family member involvement policy and, if applicable, the joint development of the plan for school wide programs.

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:
 - a. Timely information about Title I programs;
 - b. A description and explanation of the school's curriculum, forms of academic assessment used to

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

- measure student progress, and the proficiency levels students are expected to meet;
 - c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians.
5. If the school wide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the Butte County Office of Education
6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards
- This compact shall address:
- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards
 - b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time
 - c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
 - 1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
 - 2) Frequent reports to parents/guardians on their children's progress
 - 3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
 - 4) Regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand
7. Promote the effective involvement of parents/guardians and support a partnership among the school, parents/guardians, and the community to improve student achievement through the following actions:
- a. Assist parents/guardians in understanding such topics as the state academic standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children
 - b. Provide parents/guardians with materials and training, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to help them work with their children to improve their children's achievement
 - c. With the assistance of parents/guardians, educate teachers, specialized instructional support personnel, principals and other school leaders, and other staff, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools
 - d. To the extent feasible and appropriate, coordinate and integrate parent/guardian involvement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in fully participating in their children's education
 - e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand
 - f. Provide other such reasonable support for parent/guardian involvement activities as parents/guardians may request
8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand.

The school's policy shall be periodically updated to meet the changing needs of parents/guardians and the school.

Strategies for Non-Title I Schools

For each school that does not receive federal Title I funds, the County Superintendent, or designee shall, at a minimum:

1. Engage parents/guardians and family members positively in their children's education by providing assistance and training on topics such as state academic standards and assessments to increase their knowledge and skills to use at home to support their children's academic efforts at school and their children's development as responsible members of society (Education Code 11502, 11504)

The County Superintendent or designee may:

- a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education
 - b. Provide information, in parent handbooks and through other appropriate means, regarding academic expectations and resources to assist with the subject matter
 - c. Provide parents/guardians with information about students' class assignments and homework assignments
2. Inform parents/guardians that they can directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home (Education Code 11502, 11504)

The County Superintendent or designee may:

- a. Provide parents/guardians with information regarding ways to create an effective study environment for their children at home and to encourage good study habits
 - b. Encourage parents/guardians to monitor their children's school attendance, homework completion, and television viewing
 - c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees
3. Build consistent and effective two-way communication between the home and school so that parents/guardians and family members may know when and how to assist their children in support of classroom learning activities (Education Code 11502, 11504)

The County Superintendent or designee may:

- a. Ensure that teachers provide frequent reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians of elementary school students
- b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom
- c. Provide information about parent/guardian and family engagement opportunities through district, school, and/or class newsletters, the school's web site, and other written or electronic communications
- d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand
- e. Develop mechanisms to encourage parent/guardian input on school issues
- f. Identify barriers to parent/guardian and family participation in school activities, including

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

parents/guardians and family members who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background

- g. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or childcare
- 4. Train teachers, administrators, specialized instructional support personnel, and other staff to communicate effectively with parents/guardians as equal partners (Education Code 11502, 11504)

The County Superintendent or designee may:

- a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy
- b. Invite input from parents/guardians regarding the content of staff development activities pertaining to home-school communications
- 5. Integrate and coordinate parent/guardian and family engagement activities within the LCAP with other activities

The County Superintendent or designee may:

- a. Include parent/guardian and family engagement strategies in school reform or school improvement initiatives
- b. Involve parents/guardians and family members in school planning processes

Approved: February, 2014

Revised: September, 2020

Reviewed: July, 2021

STUDENT SEXUAL HARASSMENT POLICY AND REGULATION

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.7

SEXUAL HARASSMENT

The County Superintendent is committed to maintaining an educational environment that is free from harassment and discrimination. The County Superintendent prohibits sexual harassment of students by other students, employees, or other persons, at Butte County Office of Education (BCOE) schools or at school-sponsored or school-related activities. The County Superintendent also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in the complaint processes.

BCOE strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the BCOE's Title IX Coordinator, or any other available school employee. Any employee who receives a report of or observes an incident of sexual harassment shall notify the Title IX Coordinator.

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

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

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could include sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
5. Information about the procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the BCOE procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the investigation of a sexual harassment complaint continues

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8. A clear message that, when needed or as required by Title IX regulation, the BCOE will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

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

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

Confidentiality and Record-Keeping

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

Legal Reference:

CIVIL CODE

Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

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

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

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

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

Approved: March, 2009

Revised: December, 2021

Revised: February 2022

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5145.7

REGULATIONS REGARDING SEXUAL HARASSMENT

The following administrative regulation shall be used to resolve complaints of sexual harassment by or against a Butte County Office of Education (BCOE) student.

Title IX Coordinator

BCOE designates the following individual as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under this and other applicable BCOE regulations and policies. The Title IX Coordinator may be contacted at:

EXECUTIVE DIRECTOR, HUMAN RESOURCES
Address: 1859 Bird Street, Oroville, CA 95965
Telephone: 530-532-5766

BCOE shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of BCOE's Title IX Coordinator.

Prohibited Conduct

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:

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 BCOE program or activity

Examples of Sexual Harassment

Examples of types of conduct which are prohibited 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

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11. Sexual assault, battery, or sexual coercion
12. Electronic communications containing comment, words or images described above

Notice and Receipt of Complaint:

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

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

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

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and BCOE procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 1312.3 - Uniform Complaint Procedures.

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

Notifications

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

The Butte County Office of Education shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the BCOE Title IX Coordinator.

A copy of Butte County Office of Education'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
2. Be displayed in a prominent location in the main administrative building or other area where notices of BCOE rules, regulations, procedures, and standards of conduct are posted
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session

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4. Appear in any school or BCOE publication that sets forth the school's or BCOE's comprehensive rules, regulations, procedures, and standards of conduct
5. Be included in the student handbook
6. Be provided to employees and employee organizations
7. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school.
8. Be posted in a prominent location on BCOE's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as BCOE's Title IX Coordinator.

The County Superintendent or designee shall also prominently post on the BCOE web site the definition of sex discrimination and harassment as described in Education Code [230](#), including the rights set forth in Education Code [221.8](#).

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Revised: December, 2021
Revised: February 2022

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5145.71

Title IX Sexual Harassment Complaint Procedures

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

1. A BCOE employee conditioning the provision of a BCOE aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to BCOE's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3 - Uniform Complaint Procedures.

A report of sexual harassment shall be submitted directly to or forwarded to BCOE's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment.

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

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

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

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

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented.

Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be non-disciplinary, nonpunitive, and designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus.

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The Butte County Office of Education shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair BCOE's ability to provide the supportive measures.

Emergency Removal from School

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, BCOE may remove a student from BCOE's education program or activity, provided that BCOE conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

If a BCOE employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process.

Dismissal of Complaint

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

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

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, BCOE may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. BCOE shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint.

BCOE may facilitate an informal resolution process provided that BCOE:

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

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Formal Complaint Process

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

1. BCOE's complaint process, as set forth in this Administrative Regulation (AR 5145.71) including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, BCOE investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

Investigation Procedures

During the investigation process, BCOE shall pursuant to 34 CFR 106.45:

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although BCOE may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

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

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

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

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

In making this determination, BCOE shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees.

The written decision shall include the following:

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence
3. Findings of fact supporting the determination
4. Conclusions regarding the application of BCOE's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions BCOE imposes on the respondent, and whether remedies designed to restore or preserve equal access to BCOE's educational program or activity will be provided by BCOE to the complainant

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

6. BCOE's procedures and permissible bases for the complainant and respondent to appeal

Appeals

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

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

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

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

Remedies

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

Corrective/Disciplinary Actions

BCOE shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44) For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or County Superintendent shall immediately suspend the student and shall recommend expulsion.

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

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

Record-Keeping

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

The County Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. BCOE shall make such training materials publicly available on its web site.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

Approved: October, 2020

Reviewed: May, 2021

Revised: February 2022

UNIFORM COMPLAINT PROCEDURES

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 1312.3

UNIFORM COMPLAINT PROCEDURES

The County Superintendent recognizes that the Butte County of Education (BCOE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The County Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and incorporates any County Superintendent-approved procedures implementing this policy.

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

1. Any complaint alleging BCOE violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by BCOE, including adult education programs, After School Education and Safety programs, agricultural career technical education, federal career technical education, child care and development programs, compensatory education, consolidated categorical aid programs, the federal Every Student Succeeds Act, migrant education, Regional Occupational Centers and Programs, school safety plans, California State Preschool Programs, or any other BCOE-implemented program that is not funded through the local control funding formula pursuant to Education Code 64000 (5 CCR 4610)
2. Any complaint, by a student, employee, or other person participating in a BCOE program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in BCOE programs and activities, including those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Complaints of employment discrimination and harassment are not subject to the UCP (see below) but may be addressed in accordance to other Superintendent's policies, as applicable. Additionally, although complaints of sexual harassment may be addressed through the UCP, any complaint that meets the more stringent definition of sexual harassment pursuant to 34 CFR 106.30 shall be investigated and resolved in accordance with 34 CFR 106.44-106.45.

3. Any complaint alleging BCOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)
4. Any complaint alleging noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental

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leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and BCOE graduation requirements (Education Code 46015)

5. Any complaint alleging BCOE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
6. Any complaint alleging noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)
7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)
8. Any complaint, by or on behalf of any student who is a foster youth as defined in Education Code 51225.2, alleging BCOE noncompliance with any requirement applicable to the student regarding placement decisions, the responsibilities of BCOE's educational liaison to the student, the award of credit for coursework satisfactorily completed in another public school, school or records transfer, or the grant of an exemption from any graduation requirements beyond state requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
9. Any complaint, by or on behalf of a student who transfers after the second year of high school and is a homeless student as defined in 42 USC 11434a, a former juvenile court school student as defined in Education Code 51225.2, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging BCOE noncompliance with any requirement applicable to the student regarding the grant of an exemption from any graduation requirements beyond state requirements (Education Code 51225.1)
10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging BCOE noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)
11. Any complaint alleging BCOE noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
12. Any complaint alleging BCOE noncompliance with the physical education instructional minutes requirements (Education Code 51210, 51222, 51223)
13. Complaints regarding a license-exempt California State Preschool Program's noncompliance with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)
14. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
15. Any other state or federal education program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate

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At its discretion, BCOE may use the UCP for any other type of complaint as specified in a BCOE policy or regulation. (5 CCR 4610)

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected whenever possible and when required by law.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services and may, for license-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.
4. Any complaint alleging employment discrimination or harassment shall be resolved in accordance with the procedures specified in the applicable Superintendent's Policy, and may be filed with the California Department of Fair Employment and Housing.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with BP1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations. (Education Code 35186)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination, especially:

222 Reasonable accommodations; lactating students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records, especially:

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49069.5 Rights of parents
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51222 Physical education, secondary schools
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52300-52462 Career technical education
52500-52616.24 Adult schools
52800-52870 School-based program coordination
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process
65000-65001 School site councils
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
1596.7925 California Child Day Care Act; health and safety regulations
PENAL CODE
422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972 6301-6577 Title I basic programs
6801-7014 Title III language instruction for limited English proficient and immigrant students
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

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2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
11431-11435 McKinney-Vento Homeless Assistance Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
Designation of responsible employee for Title IX
Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age

APPROVED: October, 2015

REVISED: October, 2017
December, 2020
October 22, 2021
November 19, 2021

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 1312.3

UNIFORM COMPLAINT PROCEDURES

Except as the County Superintendent may otherwise specifically provide in other Butte County Office of Education policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in SP 1312.3.

Compliance Officers

The County Superintendent designates the following compliance officer(s) to receive and investigate complaints and ensure Butte County of Education (BCOE) compliance with law:

Mikeial Williamson
Executive Director – Human Resources
1859 Bird Street Oroville, CA 95965
530-532-5650
mwilliamson@bcoe.org

BCOE designates the individual, position, or unit identified above as responsible for coordinating BCOE's response to complaints and for complying with state and federal civil rights laws. The individual also serves as the compliance officer specified in SR 5145.3, Nondiscrimination/Harassment, as the responsible employee to handle complaints regarding unlawful discrimination. The County Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs at issue in the complaint for which they are assigned to investigate. Assigned employees may have access to legal counsel as determined by the County Superintendent or designee.

Training provided to such designated employees may include the steps and timelines specified in this administrative regulation, current state and federal laws and regulations governing the program, applicable processes for investigating complaints, including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures.

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

In no instance shall a compliance officer be designated to investigate a complaint if they are mentioned in the complaint or has a perceptible bias or a conflict of interest that would prohibit them from fairly investigating the complaint. Any complaint filed against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias, shall be filed with the County Superintendent or designee who shall determine how the complaint is investigated.

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Notifications

BCOE's uniform complaint policy and regulation shall be posted in all BCOE schools and offices, including staff lounges and student government meeting rooms. If fifteen (15) percent or more of students enrolled in a particular BCOE program speak a single primary language other than English, BCOE's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985) In all other instances, BCOE shall provide meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The County Superintendent or designee shall annually provide written notification of BCOE's UCP including requirements related to student fees, local control accountability plans, and the educational rights of foster and homeless students and children of military families, to students, employees, parents/guardians, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075, 5 CCR 4622)

The annual notification and contact information for the compliance officer, and any other information related to Title IX as required by Education Code 221.61, shall be posted on the BCOE web site and, if available, may be provided through BCOE supported social media.

The notice shall:

1. Identify the staff person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies, including but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education ("CDE") or to pursue remedies before civil courts or other public agencies, such as the U. S. Department of Education's Office for Civil Rights ("OCR") in cases involving unlawful discrimination.
4. Include statements that:
 - a. BCOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to the UCP as identified in the section above entitled "Complaints Subject to UCP".
 - b. The complaint review shall be completed within sixty (60) calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A student enrolled in a public school shall not be required to pay a fee for their participation in an educational activity that constitutes an integral fundamental part of the county office's educational program, including curricular and extracurricular activities, and that any such complaint must be filed no later than one year from the date of the alleged violation.

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- d. The County Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP, and that any complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.
- e. A statement that BCOE post a standardized notice of the educational rights of foster youth, homeless students, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and of the complaint process.
- f. That complaints will be investigated in accordance with BCOE's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.
- g. That the complainant has a right to appeal BCOE's decision to CDE by filing a written appeal, including a copy of the original complaint and BCOE's decision, within 15 days of receiving BCOE's decision
- h. Advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable
- i. That copies of BCOE's UCP are available free of charge. The complainant has a right to appeal BCOE's decision to CDE by filing a written appeal within fifteen (15) calendar days of receiving BCOE's decision.

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

Procedures

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

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

All complaints shall be investigated and a decision issued within sixty (60) calendar days of the receipt of the complaint by BCOE unless the complainant agrees in writing to an extension of the deadline. (5 CCR 4631)

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

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Compliance officers shall maintain a record of each complaint and subsequent related actions, including the steps taken during the investigation of those complaints, including all information required for compliance with 5 CCR 4631 and 4633. All records shall be destroyed in accordance with state law and BCOE policy.

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

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint signed by the complainant of alleged noncompliance by the BCOE with federal and state laws or regulations governing educational programs. These programs include adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

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

Complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying under this policy, may only 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 (6) months from the date when the alleged discrimination occurred or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. Upon written request setting forth the reason(s) for the request, the County Superintendent or designee for good cause may extend the filing period for up to ninety (90) calendar days. (5 CCR 4630)

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

When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the county office's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, BCOE will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

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Step 2: Mediation

Within three (3) business days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. Mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of a sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

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

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

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

Step 3: Investigation of Complaint

Within ten (10) business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation of the complaint.

Within three (3) business days of initiating the investigation, the compliance officer shall notify the complainant and/or their representative of the opportunity to present to the compliance officer any evidence or information leading to evidence to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation. (5 CCR 4631)

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation, shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide BCOE's investigator with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate in the investigation or engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to

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

BCOE shall provide the investigator in accordance with law, access to records and/or other information related to the allegation in the complaint. Failure or refusal by BCOE to cooperate in the investigation or its engagement in any other obstruction of 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. (5 CCR 4631)

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

Step 4: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of BCOE's investigation and decision, as described in Step #5 below, within sixty (60) calendar days of BCOE's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent BCOE's final written decision at the same time it is provided to the complainant.

Step 5: Final Written Decision

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

In consultation with BCOE's legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination as described herein, notice of BCOE's decision to the alleged victim, may following consultation with legal counsel, include information about any sanctions to be imposed upon the respondent that relates directly to the alleged victim.

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

The decision shall include the following six elements:

1. The findings of fact based on the evidence gathered.

In reaching a factual determination, the following factors may be taken into account:

- a. statements made by any witnesses
- b. the relative credibility of the individuals involved
- c. how the complaining individual reacted to the incident

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- d. any documentary or other evidence relating to the alleged conduct
- e. past instances of similar conduct by any alleged offenders
- f. past false allegations made by the complainant

2. The conclusion(s) of law (5 CCR 4631)
3. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600.

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

- a. the corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
 - b. individual remedies offered or provided to the complainant or another person who was the subject of the complaint
 - c. systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
4. Notice of the complainant's right to appeal BCOE's decision to the CDE within fifteen (15) calendar days and procedures to be followed for initiating such an appeal (5 CCR 4631)

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

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

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

Corrective Actions

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

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For complaints involving retaliation, unlawful discrimination (such as discriminatory harassment, intimidation or bullying) appropriate corrective actions that focus on the student victim may include, but are not limited to, providing the following:

- a. Counseling
- b. academic support
- c. health services
- d. assigning an escort to allow the victim to move safely about campus
- e. information regarding available resources and how to report similar incidents or retaliation
- f. separating the victim from any other individuals involved, provided the separation does not penalize the victim
- g. restorative justice
- h. making follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

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

- a. transfer from a class or school as permitted by law
- b. parent/guardian conference
- c. education regarding the impact of the conduct on other
- d. positive behavior support
- e. referral to a student success team;
- f. denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
- g. disciplinary action, such as suspension or expulsion, as permitted by law.

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

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

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in grades K-6, or any requirement related to the LCAP is found to have merit, BCOE shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

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For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to filing the complaint. (Education Code 49013, 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with BCOE's final written decision on a complaint subject to the UCP, may appeal in writing to the CDE within fifteen (15) calendar days of receiving BCOE's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52017; 5 CCR 4632)

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

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

Upon notification by the CDE that the complainant has appealed the decision by BCOE the County Superintendent or designee shall forward the following documents to the CDE:

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by BCOE, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of BCOE's UCP
7. Other relevant information requested by the CDE (5 CCR 4633)

The CDE may directly intervene in the complaint without waiting for action by BCOE when one of the conditions listed in 5 CCR 4650 exist, including when BCOE has not taken action within sixty (60) calendar days of the date the complaint was filed with BCOE.

APPROVED: October, 2015
REVISED: October, 2017
December, 2020
October, 2021

WILLIAMS COMPLAINT PROCEDURES

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

Butte County Office of Education shall use the procedures described in this administrative regulation only to investigate and resolve the following: (Education Code 35186; 5 CCR 4680-4683)

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or miss-assignment, including any complaint alleging that:
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
 - 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)

Miss-assignment 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)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
 - a. A condition poses an emergency or urgent threat to the health or safety of 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 line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate.

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

(Education Code 17592.72)

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

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

Open restroom means 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. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

Filing of Complaint

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

Investigation and Response

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

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the Principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the Principal or designee shall report the same information to the County 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 complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Butte County Board of Education at a regularly scheduled meeting.

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described above, a complainant who is not satisfied with the resolution offered by the Principal or County Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the response. The complainant shall comply with 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)

Reports

On a quarterly basis, the County Superintendent or designee shall report, to the Butte County Board of Education at a regularly scheduled public Board Meeting, summarized data on the nature and resolution of all complaints.

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

Forms and Notices

The County Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

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

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

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedures

35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

ADOPTED: October, 2015

REVISED:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

BUTTE COUNTY OFFICE OF EDUCATION
1859 Bird Street
Oroville, CA 95965

Exhibit 1312.4(1)

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

Pursuant to Williams Uniform Complaint Procedures, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or miss-assignments. 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 the certification required to teach English learners, if present.

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

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

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

APPROVED: October, 2015

REVISED:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

Exhibit 1312.4(2)

For 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, or teacher vacancy or miss-assignment. 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: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

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

School name/address: _____

Course title/grade level and teacher name: _____

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

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

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

1. Textbooks and instructional materials:

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

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

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

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

2. Teacher vacancy or miss-assignment:

_____ 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 to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

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

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

3. Facilities conditions:

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

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

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

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

Please file this complaint at the following location:

(Principal or title of designee of the County Superintendent)

(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)

APPROVED: October, 2015

REVISED:

ACKNOWLEDGMENT OF RECEIPT AND REVIEW FORM

BUTTE COUNTY OFFICE OF EDUCATION 2022-2023 ACKNOWLEDGMENT OF RECEIPT AND REVIEW

Dear Parent/Guardian:

The Butte County Office of Education is required to annually notify the parents and guardians of rights and responsibilities in accordance with Education Code section 48980.

If you have any questions, or if you would like to review specific documents mentioned in the notice, please contact an administrator at your child's school. He or she will be able to give you more detailed information and assist you in obtaining copies of any materials you wish to review.

Please complete the "Acknowledgment of Receipt and Review" form below, and return it to your child's school.

This annual notification is available in an electronic or hard copy format and can be provided to you upon request. If the notice is provided in an electronic format, the parent or guardian shall submit to the school this signed acknowledgement of receipt of the notice. Signature of the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not indicate that consent to participate in any particular program has either been given or withheld.

ACKNOWLEDGMENT OF RECEIPT AND REVIEW

Pursuant to Education Code section 48982, the parent/guardian shall sign this notice and return it to the school. Signature on the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not necessarily indicate that consent to participate in any particular program or activity has been given or withheld.

Student Name: _____

School: _____ Grade: _____

Parent/Guardian Name: _____

Address: _____

Home Telephone Number: _____

Signature of Parent/Guardian (if student is under 18)

Signature of Student (if student is 18 or older)

