

# BUTTE COUNTY OFFICE OF EDUCATION

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5000**

#### **CONCEPTS AND ROLES**

The County Superintendent shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The County Superintendent expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct, and respect for others.

The County Superintendent is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The County Superintendent shall not tolerate the intimidation or harassment of any student for any reason.

The County Superintendent or designee shall establish procedures to keep parents/guardians and students well-informed about school and Butte County Office of Education rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Butte County Office of Education and/or the Butte County Board of Education shall afford students their due process rights in accordance with law.

Legal Reference:

EDUCATION CODE

35160 Roles

35160.1 Authority

35291-35291.5 Government and discipline

**Approved: July, 2004**

**Revised: June, 2020**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5021

#### NON-CUSTODIAL PARENTS

The County Superintendent recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with Butte County Office of Education's need to ensure the safety of students while at school.

The parent/guardian who enrolls a child in a Butte County Office of Education school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to their student information, a parent/guardian shall provide a copy of the certified court order to the Principal or designee upon enrollment or upon a change in circumstances.

In the event of an attempted violation of a court order that restricts access to a student, the Principal or designee shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties' consent.

#### Legal Reference:

##### EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

##### FAMILY CODE

3002 Joint legal custody, definition; § Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

##### GOVERNMENT CODE

810-996.6 Government Claims Act

6205-6211 Confidentiality of residence for victims of domestic violence

**Approved: July, 2009**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5022

#### STUDENT AND FAMILY PRIVACY RIGHTS

The County Superintendent respects the rights of students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

The County Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students [or to generate other statistically useful data for the purpose of securing such tests and assessments] and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities
6. Student recognition programs

The County Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including their name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The County Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following:

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
  - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
  - b. Instructional materials used as part of their children's educational curriculum
  - c. Instruments used in the collection of personal information for the purpose of marketing or sale
4. Any non-emergency physical examinations or screenings that the school may administer

The County Superintendent or designee shall notify parents/guardians of the adoption or continued use of Butte County Office of Education Superintendent's Policy and Administrative Regulations pertaining to the rights specified in items #1-4 above.

Legal Reference:

EDUCATION CODE

2347 Student protections relating to immigration and citizenship status

49076.7 Privacy of student records; social security numbers

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

51514 Non-removal of survey questions pertaining to sexual orientation or gender identity

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

**Approved: March, 2011**

**Revised: March, 2018**

**Revised: February 2022**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5022

### REGULATIONS REGARDING STUDENT AND FAMILY PRIVACY RIGHTS

#### **Surveys Requesting Information about Beliefs and Practices**

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following:

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

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

Notwithstanding the above requirements for prior written consent, the Butte County Office of Education schools may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate.

If a school administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions.

#### **Parent/Guardian Access to Surveys and Instructional Materials**

The parent/guardian of any student enrolled in a Butte County Office of Education school, upon their request, shall have the right to inspect:

1. A survey or other instrument to be administered or distributed to their child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of their child's educational curriculum

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

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

#### **Health Examinations**

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to their parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification.

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening.

### **Notifications**

At the beginning of the school year, the County Superintendent or designee shall notify parents/guardians of:

1. Butte County Office of Education Superintendent's Policy and Administrative Regulations regarding student privacy
2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Superintendent Policy
3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information
  - b. Physical examinations or screenings
  - c. Collection of personal information from students for marketing or sale

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the Butte County Office of Education school shall provide parents/guardians with written notice that the survey is to be administered.

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change.

**Approved: March, 2011**

**Revised: March, 2018**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5030

#### STUDENT WELLNESS

The County Superintendent recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for Butte County Office of Education students. The County Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education and activity, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

To encourage consistent health messages between the home and school environment, the County Superintendent or designee may disseminate health information and/or Butte County Office of Education's student wellness policy to parents/guardians through the Butte County Office of Education or school newsletters, handouts, parent/guardian meetings, web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

#### **School Health Council/Committee**

The County Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, school administrators, Butte County Board of Education Members, school staff, and members of the public to participate in the development, implementation, and periodic review and update of Butte County Office of Education's student wellness policy.

To fulfill this requirement, the County Superintendent or designee may appoint a school health council or other committee whose membership shall include representatives of these groups. The County Superintendent or designee may also invite participation of other groups or individuals, such as health educators, curriculum directors, counselors, before- and -after school program staff, health practitioners, and/or others interest in school health issues.

The school health council/committee shall advise the County Superintendent or designee on health-related issues, activities, policies, and programs. At the discretion of the County Superintendent or designee, the duties of the council/committee may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

#### **Nutrition and Physical Activity Goals**

The County Superintendent or designee shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness.

Butte County Office of Education's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs.

Professional development shall be regularly offered to health education and physical education teachers, coaches, activity supervisors, food services staff, and other staff as appropriate to enhance their health knowledge and skills.

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extra-curricular programs, before- and after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Nutritional Guidelines for Foods Available at School**

For all foods available on each campus during the school day, Butte County Office of Education shall adopt nutritional guidelines and support the objectives of promoting student health and reducing childhood obesity.

The County Superintendent believes that foods and beverages available to students should support the health curriculum and promote optimal health, taking into consideration the needs of students with special dietary needs.

Nutritional standards adopted by Butte County Office of Education for all foods and beverages sold to students, including foods and beverages provided through the food service program, student stores, vending machines, or other venues, shall meet or exceed state and federal nutritional standards.

To reinforce the Butte County Office of Education's nutrition education program, the County Superintendent prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free giveaways, or other means.

In order to maximize Butte County Office of Education's ability to provide nutritious meals and snacks, all schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, Butte County Office of Education's schools may sponsor a summer meal program.

The County Superintendent or designee shall provide access to free potable water during meal times in the food service area and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

School staff shall encourage parents/guardians or other volunteers to support the nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

The County Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. They shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

### **Goals for Nutrition, Physical Activity, and Other Wellness Activities**

The County Superintendent may enter into a joint use agreement or memorandum of understanding to make Butte County Office of Education facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

In order to ensure that students have access to comprehensive health services, Butte County Office of Education schools may provide access to health services at or near the schools and/or may provide referrals to community resources.

The County Superintendent recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

The County Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. They shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

### **Program Implementation and Evaluation**

The Associate Superintendent of Student Programs and Services or designee shall ensure that each school site complies with this policy.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The County Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. They shall periodically measure and make available to the public an assessment of the extent to which Butte County Office of Education schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy.

### Posting Requirements

Each school shall post the Butte County Office of Education's Superintendent's Policies and Administrative Regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas.

Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Legal Reference:

EDUCATION CODE

[33350-33354](#) CDE responsibilities re: physical education

[49430-49434](#) Pupil Nutrition, Health, and Achievement Act of 2001

[49490-49494](#) School breakfast and lunch programs

[49500-49505](#) School meals

[49510-49520](#) Nutrition

[49530-49536](#) Child Nutrition Act

[49540-49546](#) Child care food program

[49547-49548.3](#) Comprehensive nutrition services

[49550-49561](#) Meals for needy students

[49565-49565.8](#) California Fresh Start pilot program

[49570](#) National School Lunch Act

[51210](#) Course of study, grades 1-6

[51220](#) Course of study, grades 7-12

[51222](#) Physical education

[51223](#) Physical education, elementary schools

[51795-51796.5](#) School instructional gardens

[51880-51921](#) Comprehensive health education

CODE OF REGULATIONS, TITLE 5

[15500-15501](#) Food sales by student organizations

[15510](#) Mandatory meals for needy students

[15530-15535](#) Nutrition education

[15550-15565](#) School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

[1751-1769](#) National School Lunch Program, especially

[1758b](#) Local wellness policy

[1771-1791](#) Child Nutrition Act, especially

[1773](#) School Breakfast Program

[1779](#) Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

[210.1-210.31](#) National School Lunch Program

[220.1-220.23](#) National School Breakfast Program

**Approved: November, 2013**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5111

#### ADMISSION

The County Superintendent encourages the enrollment and appropriate placement of all school-aged children in school. The County Superintendent or designee shall inform parents/guardians of students seeking admission to a COE school at any grade level about admission requirements and shall assist them with enrollment procedures.

The County Superintendent or designee shall announce and publicize the timeline and process for registration of students at COE schools. All resident students who are enrolling shall be subject to the timelines established Butte County Office of Education Superintendent's Policy and Administrative Regulations.

All appropriate staff shall receive training on COE admission policies and procedures, including information regarding the types of documentation that can and cannot be requested.

The COE's enrollment application shall include information about the health care options and enrollment assistance available to families within the COE. The COE shall not discriminate against any student for not having health care coverage and shall not sue any information relating to a student's health care coverage or their interest in learning about health care coverage in any manner that would harm the child or their family.

Before enrolling, any student in a COE school, the County Superintendent or designee will verify the student's age, residency, immunization, and other applicable eligibility criteria specified in law, and the accompanying Butte County Office of Education Superintendent's Policy and Administrative Regulations.

The COE shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or their family members.

However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the County Superintendent or designee shall explain the limited purpose for which the information is collected. Enrollment in a COE school shall not be denied on the basis of any such information of the students or their parents/guardians obtained by the COE, or the student's or parent/guardian's refusal to provide such information to the County Office.

School registration information shall list all possible means of documenting a child's age for grades K-1 as authorized by Education Code 48002 or otherwise prescribed by the County Superintendent. Any alternative document allowed by the County Office shall be one that all persons can obtain regardless of immigration status, citizenship status, or national origin and shall not reveal information related to citizenship or immigration status.

The County Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the students last school, lack of clothing normally required by the school, such as school uniforms, or their inability to produce previous academic, medical, or other records normally required for enrollment.

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten

46600 Agreements for admission of students desiring inter-district attendance

48000 Minimum age of admission (kindergarten)

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

48002 Evidence of minimum age required to enter kindergarten or first grade

48010 Minimum age of admission (first grade)

48011 Admission for kindergarten or other school; minimum age

48050-48053 Non-residents

48200 Children between ages of 6 and 18 years (compulsory full-time education

[48350-48361](#) Open Enrollment Act

48645.5 Enrollment of former juvenile court school students

[48850-48859](#) Educational placement of foster youth

[49076](#) Access to records by persons without written consent or under judicial order

49076.7 Student records; data privacy; social security numbers

[49408](#) Information of use in emergencies

49452.9 Health care coverage options and enrollment assistance

[49700-49704](#) Education of children of military families

### HEALTH AND SAFETY CODE

[120325-120380](#) Education and child care facility immunization requirements

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

### CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

201 Admission to high school

552a Note Refusal to disclose social security number

### CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirement

### UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

**Approved: November, 2011**

**Revised: February 2020**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5111

#### REGULATIONS REGARDING ADMISSION

##### **Age of Admittance to Grades K-1**

A child shall be eligible for enrollment in kindergarten or first grade, at the beginning of the school year or at a later time in the same year, if the child has their fifth or sixth birthday, respectively, on or before September 1 each school year.

Any child who will have their fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Butte County Office of Education Superintendent's Policy and Administrative Regulations.

On a case-by-case basis, a child who reaches age five after the date listed above for the applicable school year may be admitted to kindergarten at any time during the school year with the approval of the child's parent/guardian, provided that:

1. The County Superintendent or designee determines that the admittance is in the best interests of the child.
2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

In determining whether a child may be granted early entry to kindergarten, the County Superintendent or designee may also consider the availability of classroom space and any negotiated maximum class size.

##### **Documentation of Age/Grade**

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age.

Evidence of the child's age may include:

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth
2. A duly attested baptism certificate
3. Passport

When none of the foregoing is obtainable, the parent/guardian may provide any other appropriate means of proving the age of the child.

A student enrolling at any other grade level shall present records from their previous school district documenting their age and current grade level.

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5112.1**

#### **EXEMPTIONS FROM ATTENDANCE**

Each student between the ages of 6 and 18 shall be subject to compulsory full-time education.

However, the County Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

As needed, the County Superintendent or designee may require a student or their parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and Butte County Office of Education Superintendent's Policy and Administrative Regulation for which exemption is authorized.

#### Legal Reference:

##### EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46100-46147 Minimum school day

46170 Minimum school day, continuation education

48200-48341 Compulsory education law

48400-48454 Compulsory continuation education

48800-48802 Attendance at community college

49110-49119 Permits to work

49130-49135 Permits to work full time

##### LABOR CODE

1285-1312 Employment of minors

1390-1399 Employment of minors

##### CODE OF REGULATIONS, TITLE 5

11522 Parental consent for exemption based on high school proficiency certificate

##### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

##### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

**Approved: July, 2008**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5112.1

#### REGULATIONS REGARDING EXEMPTIONS FROM ATTENDANCE

##### **Exemptions from Regular Education Program**

A student may be exempted from full-time attendance in the regular education program if the student:

1. Is being instructed in a private full-time school and the County Superintendent or designee verifies that the private school has filed an affidavit
2. Is being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year
3. Holds a work permit to work temporarily in the entertainment or allied industries
4. Holds a work permit and attends part-time classes
5. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term
6. Is at least age 15 and is taking a leave of absence for up to one semester for the purpose of supervised travel, study, training, or work not available to the student under another educational option
7. Attends a community college as a special full-time student on the grounds that the student would benefit from advanced scholastic or vocational work

##### **Exemptions from Continuation Education**

A student who would otherwise be subject to compulsory continuation education may be exempted if the student:

1. Has graduated from a public high school maintaining a four-year course above grade 8 or has had an equal amount of education in a private school or from a private tutor. In the case of a private school, the exemption shall be granted only if the County Superintendent or designee has verified that the private school has filed an affidavit
2. Has successfully demonstrated proficiency equal to or greater than standards established by the California Department of Education and has verified approval submitted by their parent/guardian
3. Is attending a public or private full-time day school or satisfactory part-time classes maintained by other agencies
4. Is attending adult school for not less than four hours per calendar week
5. Is attending a regional occupational program or center
6. Is disqualified because of their physical or mental condition or because of personal services that must be rendered to their dependents
7. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term

In addition, a student who is between the ages of 16 and 18 may be exempted from continuation education if the student is taking a leave of absence for up to two semesters for the purpose of supervised travel, study, training, or work not available to the student under another educational option.

**Approved: July, 2008**

**Revised:**

**Reviewed: May, 2021**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5112.2**

#### **EXCLUSION FROM ATTENDANCE**

The County Superintendent recognizes that there may be cases when the exclusion of certain students shall be necessary because their presence in school presents a clear and present danger to the life, safety or health of students or school personnel.

#### Legal Reference:

##### EDUCATION CODE

1040 Duties of boards

1042 Powers of boards

48210-48214 Persons excluded

48221 Physical or mental conditions

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49451 Parent's refusal to consent

##### HEALTH AND SAFETY CODE

3118 Exclusion of persons from school

3380-3390 Immunization against communicable diseases

120230 Infectious disease attendance

120325-120380 Isolation

121475-121520 TB testing

124025-124110 Child health and disability prevention programs

##### CODE OF REGULATIONS, TITLE 5

202

**Approved: July 1, 2004**

**Revised:**

**Reviewed: May, 2021**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5112.2

#### REGULATIONS REGARDING EXCLUSION FROM ATTENDANCE

Students may be excluded from attendance at Butte County Office of Education schools if they:

1. Are under the legal age of attendance, except as otherwise provided by law.
2. Do not present evidence of immunization from certain infectious diseases as required by law. Such a student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs.
3. Are reasonably suspected of having active tuberculosis.
4. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided.
5. Have not had a health screening, specified in Health and Safety Code 124040, before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented an appropriate waiver or the Butte County Office of Education has exempted the student from this requirement in accordance with law.
6. Are infected with any contagious or infectious disease.

The County Superintendent shall periodically review decisions to exclude students of filthy or vicious habits or suffering from contagious or infectious diseases.

Homeless children under the McKinney-Vento Law have the right to enroll immediately even without required documents.

#### **Notifications to Parents/Guardians**

Prior to excluding a student from attendance, the County Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion.

The County Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded because:

1. They resides in an area subject to quarantine pursuant to Health and Safety Code § 120230;
2. They are exempt from a medical examination but suffer from a contagious or infectious disease pursuant to Education Code § 49451;
3. The County Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the County Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion.

**Approved: July, 2005**

**Revised: May, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5113

#### ABSENCES AND EXCUSES

The County Superintendent believes that regular attendance plays an important role in student achievement. The County Superintendent or designee shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

#### Excused Absences

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Butte County Office of Education Superintendent's Policy, and Administrative Regulations.

Class participation is an integral part of students' learning experiences and parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

At the beginning of each school year, the County Superintendent or designee shall send a notification to the parents/guardians of all students, and to all students in grades 7-12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.

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

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and Butte County Office of Education Superintendent's Policy and Administrative Regulations.

#### Effect of Absence on Grades/Credits

If a student's absence is excused under law the student shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if the student satisfactorily completes the assignment or test within a reasonable period of time. A student's grades may be affected by excessive unexcused absences.

#### Legal Reference:

##### EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

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

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

49701 Provisions of the interstate compact on educational opportunities for military children

### ELECTIONS CODE

12302 Student participation on precinct boards

### FAMILY CODE

6920-6929 Consent by minor

### VEHICLE CODE

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

### WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

### CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

### ATTORNEY GENERAL OPTIONS

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

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

**Approved: November, 2011**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5113

### REGULATIONS REGARDING ABSENCES AND EXCUSES

#### Excused Absences

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness, including absence for the benefit of the student's mental or behavioral health. (Education Code 48205)
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometrical, or chiropractic service or appointment.
4. Attendance at funeral services for a member of the student's immediate family.  
Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
5. Jury duty in the manner provided for by law.
6. Illness or medical appointment of a child to whom the student is the custodial parent.
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to:
  - a. Appearance in court
  - b. Attendance at a funeral service
  - c. Observance of a religious holiday or ceremony
  - d. Attendance at religious retreats for no more than four hours per semester
  - e. Attendance at an employment conference
  - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302.
9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment.  
Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee.
10. Attendance at the student's naturalization ceremony to become a United States citizen.
11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people.
12. For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence. Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence per school year.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

13. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school property as designated by the religious group, church, or denomination.

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month.

14. Work in the entertainment or allied industry.

Work for a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days. For this purpose, student absence shall be excused for a maximum of up to five absences per school year.

15. Participation with a nonprofit performing arts organization in a performance for a public school audience

A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school.

16. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances.

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household.

### **Method of Verification**

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note.

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older.

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - a. Name of student
  - b. Name of parent/guardian or parent representative
  - c. Name of verifying employee
  - d. Date(s) of absence
  - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in Item #2 above.
4. Physician's verification.



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

- a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
  
- b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absences.

### **Parental Notifications**

At the beginning of each school year, the Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination.
2. Notify students in grades 7-12 and the parents/guardians of all students enrolled in the district that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.
3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205.

**Approved: November, 2011**

**Revised: February, 2020**

**Revised: February 2022**

**Revised: September 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5113.1

#### CHRONIC ABSENCE AND TRUANCY

The County Superintendent believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The County Superintendent desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the County Office.

The County Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the LEA.

The County Superintendent, or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.

The County Superintendent, or designee shall develop a tiered approach to reducing chronic absence. Such an approach shall include strategies for preventing attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health and/or mental health services, letters alerting parents/guardians to the value of regular school attendance, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

The tiered approach shall also provide for early outreach to students as soon as they show signs of poor attendance or if they were chronically absent in the prior school year. Early intervention may include identification and support plan developed and monitored by school attendance team, personalized outreach, individual attendance plans, and/or mentoring to students with moderate levels of chronic absence, with additional intensive, interagency wrap-around services for students with the highest level of absence.

Students with serious attendance problems shall be provided with interventions specific to their needs, which may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The County Superintendent, or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

The County Superintendent or designee shall ensure that staff assigned to fulfill attendance-related duties are trained in implementing a trauma-informed approach to chronic absence and receive information about the high correlation between chronic absence and exposure to adverse childhood experiences.

Students who are identified as chronically absent or truant shall be subject to the interventions specified in law and administrative regulation.

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

The County Superintendent or designee shall periodically report to the Board regarding student attendance patterns in the LEA, including rates of chronic absence, and truancy rates LEA wide and for each school, grade level and numerically significant student subgroup as defined in Education Code [52052](#). Such information shall be used to evaluate

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

the effectiveness of strategies implemented to reduce chronic absence and truancy and to develop annual goals and specific actions for student attendance and engagement to be included in the Butte County Office of Education's local control and accountability plan and other applicable school and LEA plans. As appropriate, the County Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

### **Legal Reference:**

#### EDUCATION CODE

1740-1742 Employment of personnel to supervise attendance (county superintendent)

37223 Weekend classes

46000 Records (attendance)

46010-46014 Absences

46110-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

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

48225.5 Work permits, entertainment and allied industries

48240-48246 Supervisors of attendance

48260-48273 Truants

48290-48297 Failure to comply; complaints against parents

48320-48325 School attendance review boards

48340-48341 Improvement of student attendance

48400-48403 Compulsory continuation education

48900 Suspension and expulsion

49067 Unexcused absences as cause of failing grade

52052 Accountability; numerically significant student subgroups

60901 Chronic absence

#### GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

#### PENAL CODE

270.1 Chronic truancy; parent/guardian misdemeanor

272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy

830.1 Peace officers

#### VEHICLE CODE

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

#### WELFARE AND INSTITUTIONS CODE

256-258 Juvenile hearing officer

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

#### CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

#### COURT DECISIONS

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

**Approved: July, 2004**

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**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5113.1

#### REGULATIONS REGARDING CHRONIC ABSENCE AND TRUANCY

##### Definitions

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught, exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof.

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the Butte County Office of Education school staff made a conscientious effort to hold at least one conference with the student and the student's parent/guardian after either of the two previous reports.

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the Butte County Office of Education has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 48263, and 48291.

For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5 and AR 5113 - Absences and Excuses. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.

##### Addressing Chronic Absence

When a student is identified as a chronic absentee, the County Superintendent, attendance supervisor, or designee shall communicate with the student and the student's parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

The student may be referred to a student study team (SST) to assist in evaluating the student's needs and identifying strategies and programs to assist the student. When necessary, the student may be referred to a school attendance review board (SARB) program, a truancy mediation program established by the Butte County Office of Education attorney or the probation officer, or a comparable program deemed acceptable by the County Superintendent or designee, in accordance with Education Code 48263 and item #3 in the section "Addressing Truancy" below.

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.

Whenever chronic absenteeism is linked to a health, social-emotional, family, or other non-school issue, the County Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and the student's family.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### Addressing Truancy

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266.

The County Superintendent, attendance supervisor, or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341.

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of trancies the student has committed:

#### 1. Initial truancy

- a. The student shall be reported to the County Superintendent, attendance supervisor, or designee.
- b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that:
  - i. The student is truant.
  - ii. The parent/guardian is obligated to compel the student to attend school and, if the parent/guardian fails to meet this obligation, the parent/guardian may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
  - iii. Alternative educational programs options.
  - iv. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
  - v. The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
  - vi. If the student is at least 13 years of age but under age 18, the student may be subject to the suspension, restriction, or delay of driving privilege pursuant to Vehicle Code 13202.7.
  - vii. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.
- c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223.
- d. The student and, as appropriate, the student's parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance.
- e. The County Superintendent, attendance supervisor, or designee may notify the Butte County Office of Education attorney and/or probation officer of the student's name and the name and address of the student's parents/guardians.

#### 2. Second truancy

- a. Any student who has once been reported as a truant shall again be reported to the County Superintendent, attendance supervisor, or designee as a truant if the student is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year.
- b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223.
- c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, the student shall be subject to item #3 below.
- d. An appropriate staff member shall make a conscientious effort to hold at least one conference with the

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

student and the student's parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call.

- e. The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school.
  - f. The County Superintendent or designee may notify the Butte County Office of Education attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above.
3. Third truancy (habitual truancy)
- a. A student who is habitually truant, a chronic absentee, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a SARB program, a truancy mediation program established by the Butte County Office of Education attorney or the probation officer, or a comparable program deemed acceptable by the County Superintendent or designee.
  - b. Upon making a referral to the SARB or the probation department, the County Superintendent, attendance supervisor, or other person designated to make the referral shall provide the student, the student's parent/guardian, and SARB or probation department with documentation of the interventions undertaken at the school. The attendance supervisor or designee shall also provide the student and the student's parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and the student's parent/guardian shall be required, along with the school staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral.
  - c. If the student does not successfully complete the truancy mediation program or other similar program, the student shall be subject to item #4 below.
  - d. If the County Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or the student's parents/guardians have failed to respond to the directives of the school or to services provided, the County Superintendent or designee may so notify the Butte County Office of Education attorney and/or the probation officer.
4. Fourth truancy
- a. Upon the fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court.
  - b. If a student has been adjudged by the county juvenile court to be a habitual truant, the County Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation.
5. Chronic truancy (unexcused absence for 10 percent of school days)
- a. The County Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
  - b. If a chronically truant student is at least age six years and is in any of grades K-8, the County Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Records**

The County Superintendent, attendance supervisor, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. In addition, the attendance supervisor, designee, and/or the staff persons who have direct contact with the student or parent/guardian shall document all their contacts regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

The County Superintendent, attendance supervisor, or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court.

**Approved: October, 2008**

**Revised: May, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5113.2

#### WORK PERMITS

The Butte County Office of Education recognizes that part-time employment can provide students with income, job experience, and valuable life skills and should be permitted to the extent that such employment does not interfere with a student's education. Before accepting any offer of employment, Butte County Office of Education students who are minors shall obtain work permits from the County Superintendent or designee, regardless of whether the employment will occur when school is in session and/or not in session, unless otherwise exempted by law.

In determining whether to grant or continue a work permit, the County Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits shall be required to demonstrate and maintain a 2.0 grade point average and satisfactory school attendance, except during periods of extended school closure due to an emergency as described in Education Code 49200 and the accompanying administrative regulation. On a case-by-case basis, the County Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes.

Work permits shall be limited to part-time employment as defined by law, except when the County Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program.

#### Legal Reference:

##### STATE

5 CCR 10120-10121 Work permits

5 CCR 16023-16027 District records, retention and destruction

8 CCR 11701-11707 Prohibited and dangerous occupations for minors -

<https://simbli.eboardsolutions.com/SU/N2GrjzagKZSLfslsh6BK5TeYQ==>

8 CCR 11750-11763 Work permits and conditions, minor employed in entertainment industry

Ed. Code 48230 Exemption from full-time school attendance for students with work permits

Ed. Code 48231 Exemption from compulsory attendance for students entering attendance area near end of term

Ed. Code 49100-49101 Compulsory attendance

Ed. Code 49110-49119 Permits to work

Ed. Code 49130-49135 Permits to work full time

Ed. Code 49140-49141 Exceptions

Ed. Code 49160-49165 Employment of minors; duties of employers

Ed. Code 49180-49183 Violations

Ed. Code 49200 Permit to work during extended emergency school closure Ed. Code 51760-51769.5 Work experience education

Ed. Code 52300-52499.66 Career technical education

Lab. Code 1285-1312 Employment of minors

Lab. Code 1391-1394 Working hours for minor



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

FEDERAL

29 CFR 570.1-570.129 Child labor regulations

**Approved: July, 2005**

**Revised: May, 2021**

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **AR 5113.2**

#### **REGULATIONS REGARDING WORK PERMITS**

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including a student who has not yet graduated from high school or have not received a certificate of proficiency, shall obtain a work permit.

Butte County Office of Education may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to Education Code 51760-51769.5, a minor student age 14-17. Butte County Office of Education may also issue a permit to any minor age 12-17 to be employed during a regular school holiday, during a regular or specified occasional public-school vacation, and when the student is exempt from compulsory school attendance pursuant to Education Code 48231 because the student arrived from another state within 10 days before the end of the school term.

If a student has obtained an offer of employment in the entertainment industry, the student shall request a work permit from the California Department of Industrial Relations, Division of Labor Standards Enforcement, pursuant to Labor Code 1308.5 and 8 CCR 11752-11753.

A work permit shall not be required for a student who is not receiving pay or financial reimbursement for services rendered in volunteer services or educational purposes, is not in an employer-employee relationship in accordance with the Fair Labor Standards Act, is serving as an unpaid trainee or volunteer or in an in-school placement, and has submitted written parent/guardian permission.

In addition, a student shall not be required to obtain a work permit if the student is self-employed; is working at odd jobs such as yard work and babysitting in private homes where the student is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed in agricultural, horticultural, viticultural, or domestic labor during non-school hours when the work performed for or under the control of the parent/guardian and is performed upon or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

#### **Persons Authorized to Issue Work Permits**

The following individuals are authorized to issue a work permit to a minor student:

1. The County Superintendent or designee
2. An employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the County Superintendent in writing
3. A principal, or another school administrator designated by the principal, provided that the Principal or designee:
  - a. Provides a self-certification that the Principal or designee understands the requirements of law for issuing a work permit
  - b. Does not issue a work permit to the principal's or designee's own child

If the person designated to issue work permits is not available and delay in issuing a permit would jeopardize a student's ability to secure work, the County Superintendent may temporarily authorize another person to issue the permit.

#### **Application**

The student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider shall file a written request for a work permit.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The request for a work permit shall be submitted to the County Superintendent or designee on a form approved by the California Department of Education (CDE).

If the student is applying for a full-time work permit, the student and the student's parent/guardian shall generally be required to appear before, and submit the application to, the County Superintendent or designee.

In the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency, the required documentation, including signatures, may be collected electronically. In addition, if the application is for a full-time work permit, the student and parent/guardian shall not be required to appear in person before the County Superintendent or designee if the completed application has been successfully submitted electronically and the student and parent/guardian have attended a video conference with the person issuing the work permit.

### **Approval Process**

The County Superintendent or designee shall have discretion to determine whether or not to issue the work permit.

In determining whether to approve a work permit, the County Superintendent or designee shall verify the student's date of birth, the type of work permit to be issued, and whether the student meets any other criteria established Butte County Office of Education Superintendent Policy and Administrative Regulations. The County Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

However, a work permit shall not be denied based on a student's grades, grade point average, or school attendance under either of the following circumstances:

1. The student's school has been physically closed for an extended time due to a natural disaster, pandemic, or other emergency.
2. The student is applying for a work permit in order to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the student's school.

Students shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor laws.

The County Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will occur while school is in session and/or not in session. Full-time employment may be authorized for students age 14-17 in accordance with Education Code 49130-49135. All work permits shall be issued in a format approved and authorized by the California Department of Education.

Each permit shall authorize work for a specific employer. Whenever a student changes employers, the student shall request a new permit.

The student may be issued more than one work permit if the student works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and the LEA.

Whenever a work permit is issued by a principal or other designated school administrator, the Principal or designee shall submit to the County Superintendent a copy the application.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The County Superintendent or designee shall periodically inspect the grades and attendance records of students granted work permits to ensure maintenance of academic progress and any additional criteria established in Butte County Office of Education Superintendent's Policy and Administrative Regulations.

### **Expiration of Work Permits**

Work permits issued during the school year shall expire five days after the opening of the next succeeding school year. Before the work permit expires, a student may apply for a renewed work permit in accordance with the procedures specified in the section "Approval Process" above.

### **Revocation of Work Permits**

The County Superintendent or designee shall revoke a student's work permit whenever the County Superintendent or designee determines that employment is impairing the health or education of the student any provision or condition of the permit is being violated, the student is performing work in violation of law, or any condition for the issuance of the permit no longer exists or never existed.

The County Superintendent may revoke a work permit issued by a principal of a Butte County Office of Education school if the Superintendent becomes aware of any grounds upon which the student may be deemed ineligible for a work permit under law.

### **Retention of Records**

The County Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued.

### Legal Reference:

#### STATE

5 CCR 10120-10121 Work permits

5 CCR 16023-16027 District records, retention and destruction

8 CCR 11701-11707 Prohibited and dangerous occupations for minors -

<https://simbli.eboardsolutions.com/SU/N2GrjzaqKZSLfslsh6BK5TeYQ==>

8 CCR 11750-11763 Work permits and conditions, minor employed in entertainment industry

Ed. Code 48230 Exemption from full-time school attendance for students with work permits

Ed. Code 48231

Exemption from compulsory attendance for students entering attendance

area near end of term

Ed. Code 49100-49101 Compulsory attendance

Ed. Code 49110-49119 Permits to work

Ed. Code 49130-49135 Permits to work full time

Ed. Code 49140-49141 Exceptions

Ed. Code 49160-49165 Employment of minors; duties of employers

Ed. Code 49180-49183 Violations

Ed. Code 49200 Permit to work during extended emergency school closure

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

FEDERAL

29 CFR 570.1-570.129 Child labor regulations

**Approved: November, 2009**

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**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5119**

#### **STUDENTS EXPELLED FROM OTHER DISTRICTS**

In order to prohibit the enrollment of a potentially dangerous student, the Butte County Office of Education may hold a hearing before admitting any student expelled from another district.

Students enrolled in the Butte County Office of Education programs who have been expelled from other districts may be returned to the district of residence if the program Associate Superintendent determines that the continuing presence of the student represents a danger to the student or others. If this action is taken, the Associate Superintendent or designee shall notify the district of residence and the County Superintendent.

Legal Reference:

EDUCATION CODE

46600 Agreements for inter-district attendance

46602 Failure to approve inter-district attendance; expulsion prohibiting appeal

48915 Expulsion; specific circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

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**Reviewed: May, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5121**

#### **GRADES / EVALUATION OF STUDENT ACHIEVEMENT**

The County Superintendent believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

Teachers shall evaluate a student's work in relation to standards which apply to all students at their grade level, not in relation to the work of other students in one particular class. The County Superintendent or designee shall establish and regularly evaluate a uniform grading system, and Principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades should be based on impartial, consistent observation of the quality of the student's work and their mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, homework, tests and portfolios.

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

#### Legal Reference:

##### EDUCATION CODE

48070 Promotion and retention

48431.6 Individualized review

49066 Grades

49067 Pupil attendance regulations

**Approved: July, 2004**

**Reviewed: May, 2021**

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5121

#### REGULATIONS REGARDING GRADES / EVALUATION OF STUDENT ACHIEVEMENT

1. If a student missed class without an excuse and does not subsequently turn in homework, take a test or fulfill another class requirement, which the student missed, the teacher may lower the student's grade for nonperformance. Students with excessive unexcused absences (6 absences per semester) may be given a failing grade and not receive credit for the class(es). Schools which withhold class credit for this reason shall so inform the class and parents/guardians at the beginning of the semester or year.
2. Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parent/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.
3. Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report.
4. An incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within one week, the incomplete will become an F.
5. Teachers are encouraged to allow for trends in the quality of student work. When a student finishes a grading period doing high quality work which requires skills acquired throughout the grading period, low grades at the beginning of the grading period need not diminish the appropriate evaluation of the student's achievement. Similarly, high grades at the beginning need not compensate for a downward trend in achievement.
6. No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond their control, does not wear standardized physical education apparel.
7. Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests.
8. Students in grades 7 through 12 must earn at least a 2.0 or C grade point average in order to participate in extra/co-curricular activities.

#### Pass/Fail Grades

With parental approval, students may elect to earn a "Pass" or "Fail" grade instead of an A-F grade in the following courses:

1. All courses taken in the Alternative Education Program; or
2. All courses taken in the Special Education Program; or
3. 9-12<sup>th</sup> grade non-college preparatory courses taken in summer school.

Students who receive a "Pass" grade will acquire the appropriate semester units of credit for the course, and the grade will not be counted in determining class rank or honors. Students who receive a "Fail" grade will not receive credit for taking the course.

Students shall be graded Pass/Fail for classes in which they serve as student aides unless predetermined goals and objectives related to specific subject knowledge are on file and have been approved by the Principal or designee.

#### Repeated Classes

With the approval of the Principal or designee, a student may repeat a course in order to raise their grade. The student shall receive credit only for taking the course once.

#### Students with Disabilities

Eligible students with disabilities shall have annual reviews of student achievement in accordance with federal and state laws. The Associate Superintendent shall establish and evaluate the program progress and grading systems. The Associate Superintendent shall ensure that student grades and progress reports conform to this system.



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Effect of Absences on Grades**

Teachers who withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in the Butte County Office of Education Superintendent's Policy, the student and parent/guardian shall again be notified of Butte County Office of Education County Superintendent's Policy regarding excessive unexcused absences.

The student and parent/guardian shall have a reasonable opportunity to explain the absences.

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences.

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances:

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

**Approved: November, 2009**

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5123

#### PROMOTION / ACCELERATION / RETENTION

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

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

Progress toward high school graduation shall be based on the student's ability to pass the subjects and electives necessary to earn the required number of credits.

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

As early as possible in the school year and in the students' school careers, the Principal shall identify students who should be retained or who are at risk of being retained in accordance with law, Butte County Office of Education Superintendent's Policy and Administrative Regulations and the following criteria:

1. Student shall be identified on the basis of grades. The following other indicators of academic achievement may also be used:
  - a. School assessments;
  - b. California State testing results;
  - c. Portfolios;
  - d. Student attendance; and
  - e. Other performance measures.

When a student is recommended for retention or is identified as being at risk for retention, the Principal shall provide opportunities for remedial instruction to assist the student in overcoming their academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school programs, summer school programs and/or the establishment of a student study team.

#### Legal References:

##### EDUCATION CODE

37252-37253 Supplemental instruction programs

46300 work experience

48011 First grade age exception

48070-48070.5 Promotion and retention

48431.6 Individualized review

56345 Individualized education program

60641-60647 STAR

60648 Levels of pupil performance

##### CODE OF REGULATIONS, TITLE 5

200-202

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5123

### REGULATIONS REGARDING PROMOTION / ACCELERATION / RETENTION

#### **Acceleration from Kindergarten to First Grade**

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Principal and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work.

Admission shall be subject to the following minimum criteria:

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

#### **Continuation in Kindergarten**

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Principal agree that the student shall continue in kindergarten for not more than one additional school year.

Whenever a student continues in kindergarten for an additional year, the Principal shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year.

#### **Retention at Other Grade Levels**

The Principal shall identify students who should be retained or who are at risk of being retained at the following grade levels:

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between grades 6 and 7
5. Between grades 8 and 9

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

Students shall be identified on the basis of either assessment results or grades and other indicators of academic achievement, as established by the Butte County Office of Education Superintendent's Policy and Administrative Regulations.

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in their current grade level unless the student's regular classroom teacher determines in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement.

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the Principal before any final determination of retention or promotion.

If the student does not have a single regular classroom teacher, the Principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student.

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

The teacher's decision to promote or retain a student may be appealed consistent with the Butte County Office of Education Superintendent's Policy and Administrative Regulations and law.

The burden shall be on the appealing party to show why the teacher's decision should be overruled.

To appeal a teacher's decision, the appealing party shall submit a written request to the department Associate Superintendent or designee specifying the reasons why the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion. The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which their decision was based.

Within 30 days of receiving the request, the department Associate Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Associate Superintendent or designee may meet with the appealing party and the teacher. If the Associate Superintendent or designee determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, they shall overrule the teacher's decision.

The Associate Superintendent or designee's determination may be appealed by submitting a written appeal to the County Superintendent within 15 school days. Within 30 days of receipt of a written appeal, the County Superintendent shall decide the appeal. The County Superintendent's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the County Superintendent; the County Superintendent may also meet with the appealing party, the teacher and the Associate Superintendent/designee to decide the appeal. The decision of the County Superintendent shall be final. If the decision of the County Superintendent is unfavorable to the appealing party, they shall have the right to submit a written statement of objections which shall become part of the student's record.

With the parent's/guardian's consent, the Principal may require a student who has been recommended for retention or has been identified as being at risk of retention to participate in a supplemental instructional program. Such programs shall be offered during the summer, after school, on Saturdays and/or during intersessions. Services shall not be provided during the regular instructional day if it would result in the student being removed from classroom instruction in the core curriculum.

These services shall be provided to students in the following priority order:

1. Students who have been recommended for retention or who have been identified as being at risk of retention.
2. Students who have been identified as having a deficiency in mathematics, reading or written expression based on the results of the tests administered under the California State testing program.

This supplemental instruction program shall be developed in accordance with the requirements of the law.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Special Populations**

With regard to special education students, the determination as to the appropriate standards for promotion or retention shall be made part of the IEP process.

Decisions regarding the promotion or retention of English Language Learners require special considerations. It is inappropriate to retain English Language Learners who have failed to meet academic standards in areas in which they have only been provided limited instruction. English Learners can be identified as being at risk of retention based on challenges they face in acquiring proficiency and mastering subject area content in English. English Language Learners determined to be at risk will be provided with supplemental instruction designed to meet their needs.

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**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5125

#### STUDENT RECORDS

The County Superintendent recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The County Superintendent or designee shall establish regulations governing the identification, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their families from invasion of privacy.

The County Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records. At each school, the Principal or certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing the Butte County Office of Education Administrative Regulations regarding student records.

The County Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third-party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code and other applicable state and federal laws.

#### Legal Reference:

##### EDUCATION CODE

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents; §Cal Grant program; notification of grade point average

##### BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

##### CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

##### FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

##### GOVERNMENT CODE

6252-6260 Inspection of public records

##### HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

##### PENAL CODE

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

245 Assault with deadly weapon

WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

16020-16027 Destruction of records of school districts

UNITED STATE CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of Pupil Rights Amendment

UNITED STATES CODE, TITLE 26

152 Definition of dependent child

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

CODE OF FEDERAL REGULATIONS, TITLE 16

Part 312 Children's Online Privacy Protection Rule

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.501 Opportunity to examine records for parents of student with disability

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5125

### REGULATIONS REGARDING STUDENT RECORDS

#### Definitions

Student means any individual who is or has been in attendance at a Butte County Office of Education school and regarding whom Butte County Office of Education maintains student records.

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside Butte County Office of Education that are directly related to an identifiable student and maintained by Butte County Office of Education, required to be maintained by an employee in the performance of their duties, or maintained by a party acting for Butte County Office of Education. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record.

Student records do not include:

1. Directory information
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee
3. Records of the law enforcement unit of Butte County Office of Education
4. Records created or received by Butte County Office of Education after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive.

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive.

Permitted student records are those records having clear importance only to the current educational process of the student.

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic.

Access means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record.

Personally identifiable information includes, but is not limited to:

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who Butte County Office of Education reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age.

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent.

Legitimate educational interest is an interest held by school official, employee, contractor, or consultant whose duties and responsibilities, or contractual obligations to the Butte County Office of Education, whether routine or as a result of special circumstances, requires access to student records.

School officials and employees are officials or employees whose duties and responsibilities to Butte County Office of Education, whether routine or as a result of special circumstances, require that they have access to student records.

Contractor or consultant is anyone with a formal written agreement or contract with Butte County Office of Education regarding the provision of services or functions outsourced to him/her by Butte County Office of Education. Contractor or consultant shall not include a volunteer or other party.

Custodian of records is the employee responsible for the security of student records maintained by Butte County Office of Education and for devising procedures for assuring that access to such records is limited to authorized persons.

County placing agency means the county social service department or county probation department.

### **Persons Granted Absolute Access**

The following persons or agencies shall have absolute access to any and all student records in accordance with law:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent
2. An adult student age 18 years or older, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to their student records and grant consent for the release of records
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law

### **Access for Limited Purpose/Legitimate Educational Interest**

In addition, the following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a dependent child age 18 or older
2. Students who are age 16 or older or who have completed the 10th grade
3. School officials and employees, consistent with definition provided in the section "Definitions" above
4. Members of a school attendance review board (SARB) and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student
5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer.

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that Butte County Office of Education may disclose students' personally identifiable information to officials of

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another school, school system, or postsecondary institution where the student seeks or intends to enroll, the County Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at their last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record.

6. The Student Aid Commission, for the purpose of providing the grade point average [GPA] of all Butte County Office of Education students in grade 12 to the Cal Grant postsecondary financial aid program, except when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA.

No later than January 1<sup>st</sup> each year, the County Superintendent or designee shall notify each student in grade 11, and the students' parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission unless they opt out within a period of time specified in the notice, which shall be not less than 30 days.

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the County Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number.

7. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement.
8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program.
9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena. Unless otherwise instructed by the court, the County Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order.
10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition
11. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws
12. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to specified evidentiary rules  
When disclosing records for these purposes, the County Superintendent or designee shall obtain written certification from the recipient of the record(s) that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law.
13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy hearing. In such cases, the judge or probation officer shall certify in writing to the County Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the County Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.
14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076).
15. Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

the Butte County Office of Education. A student age 14 years or older who is both a homeless student and an unaccompanied minor

16. An individual who completes items 1-4 of the caregiver's authorization affidavit pursuant to Family Code and signed the affidavit for the purpose of enrolling a minor in school
17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs
18. Appropriate law enforcement authorities, in circumstances where it is required that Butte County Office of Education provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating the Penal Code  
When disclosing such records, the County Superintendent or designee shall obtain written certification by the recipient of the record(s)
19. Designated peace officers or law enforcement agencies in cases where Butte County Office of Education is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to Butte County Office of Education, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals  
In such cases, the County Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to a public-school district or California private school.

When disclosing records for the above purposes, the County Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act.

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released.

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may consent grant consent if both parents/guardians notify Butte County Office of Education in writing, that such an agreement has been made.

### **Discretionary Access**

At the discretion of the County Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake  
When releasing information to any such appropriate person, the County Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person[s] to whom the disclosure was made.
2. Accrediting associations in order to carry out their accrediting functions
3. Organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that:

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- a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
  - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
  - c. Butte County Office of Education enters into a written agreement with the organization
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll
  5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made.
  6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by Butte County Office of Education, excluding volunteers or other parties
  7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or their parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid
  8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency

When disclosing records for the above purposes, the County Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act.

### **De-Identification of Records**

When authorized by law for any program audit, educational research, or other purposes, the County Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the County Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information.

### **Process for Providing Access to Records**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located.

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests.

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

When required by law, the parent/guardian or an adult student shall provide a written, signed, and dated consent. Such consent may be given through electronic means in those cases where it can be authenticated. Butte County Office of Education's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party/parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the Butte County Office of Education shall provide him/her a copy of the records disclosed.

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the County Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. Qualified certificated personnel shall be available to interpret records when requested.

Qualified certificated personnel shall be available to interpret records when requested.

The custodian of records or the County Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection.

### **Access Log**

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester.

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record
5. School officials and employees who have a legitimate educational interest
6. Law enforcement personnel seeking to enforce immigration laws

The log shall be open to inspection only by parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Ed Code 49604.

### **Duplication of Student Records**

To provide copies of any student record, Butte County Office of Education shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record.

### **Changes to Student Records**

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record.

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student.

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Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation.

Any challenge to the content of a student's record shall be filed in accordance with the process specified in AR 5125.3-Challenging Student Records.

### **Retention and Destruction of Student Records**

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another school, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left Butte County Office of Education schools. These records include:

1. Expulsion orders and the causes therefor
2. A log identifying persons or agencies who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or denial of student participation in specific programs
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including:

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Transfer of Student Records**

When a student transfers into Butte County Office of Education schools from any school district or a private school, the County Superintendent or designee shall inform the student's parent/guardian of their rights regarding student records, including the right to review, challenge, and receive a copy of student records.

When a student transfers into Butte County Office of Education schools from a district, the County Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in their suspension or expulsion.

When a student transfers from a Butte County Office of Education school to a school district or to a private school, the County Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the receipt of the request by the other school. The original record or a copy shall be retained permanently by Butte County Office of Education. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school.

Upon receiving a request from a county placing agency to transfer a student in foster care out of a Butte County Office of Education school, the County Superintendent or designee shall transfer the student's records to the next educational placement within two business days.

All student records shall be updated before they are transferred.

Student records shall not be withheld from the requesting school because of any charges or fees owed by the student or parent/guardian.

If Butte County Office of Education is withholding grades, diploma, or transcripts from the student because of their damage or loss of school property, this information shall be sent to the requesting school along with the student's records.

### **Notification of Parents/Guardians**

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the County Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, Butte County Office of Education shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students with disabilities.

The notice shall include:

1. The types of student records kept by Butte County Office of Education and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. Butte County Office of Education criteria for defining school officials and employees and for determining legitimate educational interest
5. Butte County Office of Education policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law

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11. Availability of the curriculum prospectus containing the titles, descriptions, and instructional aims of every course offered by the school
12. Any other rights and requirements, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure to comply by Butte County Office of Education
13. A statement that Butte County Office of Education forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

### **Updating Name and/or Gender of Former Students**

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the Butte County Office of Education shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, the BCOE shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents.

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information:

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records.

### Legal References:

#### STATE

5 CCR 16020-16027 Destruction of records of school districts

5 CCR 430-438 Individual student records

Bus. Code 22580-22582 Privacy Rights for California Minors in the Digital World -

<https://simbli.eboardsolutions.com/SU/XpZUgtS77ETvzOJMtcapFA==>

Bus. Code 22584-22585 Student Online Personal Information Protection Act -

<https://simbli.eboardsolutions.com/SU/FnauJhplusaffvcCQodyGJjng==>

Bus. Code 22586-22587 Early Learning Personal Information Protection Act -

<https://simbli.eboardsolutions.com/SU/HVBisqFqyGv3GFCOYAFARQ==>

CCP. 1985.3 Subpoena duces tecum - <https://simbli.eboardsolutions.com/SU/XUPBrsACIFia2c1R7772slshw==>

Ed. Code 17604 Delegation of powers to agents

Ed. Code 234.7 Student protections relating to immigration and citizenship status



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Ed. Code 48201 Student records for transfer students who have been suspended/expelled  
Ed. Code 48853.5 Foster youth; placement, immunizations  
Ed. Code 48902 Notification of law enforcement of specified violations  
Ed. Code 48904-48904.3 Withholding grades, diplomas, or transcripts  
Ed. Code 48918 Rules governing expulsion procedures  
Ed. Code 48980 Parental notifications  
Ed. Code 48985 Notices in parent/guardian's primary language  
Ed. Code 49060-49079 Student records  
Ed. Code 49091.14 Parental review of curriculum  
Ed. Code 51747 Independent study  
Ed. Code 56041.5 Rights of students with disabilities  
Ed. Code 56050 Surrogate parents  
Ed. Code 56055 Foster parents  
Ed. Code 69432.9 Cal Grant program; notification of grade point average  
Fam. Code 3025 Access to records by noncustodial parents  
Fam. Code 6552 Caregiver's authorization affidavit  
Gov. Code 6252-6260 Inspection of public records  
H&S Code 120440 Immunizations; disclosure of information  
Pen. Code 245 Assault with deadly weapon  
W&I Code 16010 Health and education records of a minor  
W&I Code 681 Truancy petitions  
W&I Code 701 Juvenile court law

## FEDERAL

16 CFR Part 312 Children's Online Privacy Protection Rule  
20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974  
20 USC 1232h Protection of Pupil Rights Amendment  
26 USC 152 Definition of dependent child  
34 CFR 300.501 Opportunity to examine records for parents of student with disability  
34 CFR 99.1-99.67 Family Educational Rights and Privacy Act  
42 USC 11434a McKinney-Vento Homeless Assistance Act; definitions

**Approved: June, 2015**

**Revised: December, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5125.1

#### RELEASE OF DIRECTORY INFORMATION

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes:

1. Name
2. Address
3. Telephone number
4. Email address
5. Date and place of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

The County Superintendent or designee may authorize the release of student directory information to representatives of the news media, prospective employers, or nonprofit organizations as provided by law. Unless prohibited by the parent/guardian in accordance with law, directory information which school officials may disclose consists of the following: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and most recent previous school attended.

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law.

At the beginning of each school year, all parents/guardians shall be notified as to what categories of directory information the school or Butte County Office of Education plan to release, and to whom. The notification shall also inform parents/guardians of their right to refuse to let the Butte County Office of Education school designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the school in writing that they do not want a certain category of information designated as directory information.

Based on its determination of the best interest of the student, the school may limit or deny the release of specific directory information to any public or private nonprofit organization.

The County Superintendent or designee shall notify parents/guardians that they may request that Butte County Office of Education schools not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. Directory information shall not be released regarding any student whose parent/guardian notifies Butte County Office of Education schools in writing that such information not be disclosed without the parent/guardian prior consent.

Under no circumstances shall directory information be disclosed to a private profit-making entity other than employers, prospective employers, and representatives of the news media. Private schools and colleges may be given the names

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

and addresses of 12th grade students and students who are no longer enrolled provided they use this information only for purposes directly related to their institution's academic or professional goals.

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Parental rights

49073 Directory information

49073.5 Military service access

49603 Military service employer access

**Approved: March, 2009**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5125.1

### REGULATIONS REGARDING RELEASE OF DIRECTORY INFORMATION

#### Definition

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes:

1. Name
2. Address
3. Telephone number
4. Email address
5. Date and place of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user.

#### Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information Butte County Office of Education plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let Butte County Office of Education designate any or all types of information as directory information and the period of time within which a parent/guardian must notify Butte County Office of Education in writing that they do not want a certain category of information designated as directory information.

The County Superintendent or designee shall notify parents/guardians that they may request that Butte County Office of Education not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent.

#### Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies Butte County Office of Education in writing that such information not be disclosed without the parent/guardian's prior consent.

For a former student, Butte County Office of Education shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance, unless the opt-out request has been rescinded.

**Approved: November, 2011**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5125.2

#### WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS

When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the COE or willingly does not return COE property that has been loaned to the student, the student's parent/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. Until the student's parents/guardians have paid for the damages or the student has completed voluntary work or other non-monetary alternative offered by the COE in lieu of monetary damages, the County Superintendent or designee may withhold the student grades, diploma and/or transcripts. Before withholding a student's grades, diploma and/or transcripts the County Superintendent or designee shall inform the parent/guardian in writing of the student's alleged misconduct (Education Code 48904).

The student shall be afforded due process consistent with procedures established for the expulsion of students. (Education Code 48904).

When a student who is transferring into the COE has had grades, a diploma, and/or transcripts withheld by the previous district, the County Superintendent or designee shall continue to withhold the student's grades, diploma, and/or transcripts until notified by the previous district that the decision to withhold has been rescinded. (Education Code 48904.3)

Upon receiving notice that a student whose grades, diploma and/or transcripts have been withheld by this district has transferred to another district in California, the County Superintendent or designee shall provide the student's records to the new district and notify the new district that the student's grades, diploma, and/or transcripts are being withheld from the student and parents/guardians pursuant to Education Code 48904.

The County Superintendent or designee shall also notify the student's parents/guardians in writing that the decision to withhold the student's grades, diploma and/or transcripts will be enforced by the new district. (Education Code 48904.3)

#### Legal Reference:

##### EDUCATION CODE

48904 Parent guardian responsibility

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injuries; transfer of pupils to new school districts; notice to rescind decision to withhold

48911 Suspension by principal, designee or superintendent

49014 Public School Fair Debt Collection Act

49069 Absolute right to access

**Approved: July, 2004**

**Revised: June, 2020**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5125.3

#### CHALLENGING STUDENT RECORDS

Following inspection and review, the parent/guardian may challenge the content of any student record. The right to challenge becomes the right of the student when the student becomes 18 years or attends a post-secondary institution.

The parent/guardian may file with the Associate Superintendent or designee a written request to correct or remove from her/his child's records any information concerning the child, which is alleged to be:

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

Within 30 days of receipt of request, the Associate Superintendent shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. If the matter cannot be resolved, it shall be referred to the County Superintendent with a recommendation from the Associate Superintendent. The allegation shall then be sustained or denied. If the allegations are sustained, the County Superintendent or designee shall order the correction or removal and destruction of the information.

If the allegations are denied the parent/guardian has the right to have a written statement concerning the allegations in the records.

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; finalization change of grade; effective of physical education class apparel

49069 Absolute right to access

49070 Challenging content of records

49071 Hearing panel to assist in making determination

**Approved: July, 2004**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5126

#### Awards For Achievement

The County Superintendent encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievement in academic, artistic, extracurricular, athletic, and community service activities.

#### County Office/School Awards

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or monetary gift.

The County Superintendent or designee shall develop criteria for the selection of student award recipients.

#### Golden State Seal Merit Diploma

At graduation from high school, students whose academic achievements in core curriculum areas have been outstanding shall receive special recognition.

The County Superintendent or designee shall identify graduating high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma.

#### State Seal of Biliteracy

The LEA shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English.

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the County Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English. The County Superintendent or designee may also present awards to English learners who are reclassified as fluent English proficient to recognize proficiency in both English and the student's native language.

#### State Seal of Civic Engagement

The County Superintendent or designee shall present the State Seal of Civic Engagement to each student who demonstrates excellence in civics education and participation and has demonstrated an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government.

All students shall be afforded the opportunity to earn the State Seal of Civic Engagement, regardless of their background, communities, or experiences. No student shall be denied such opportunity based on academic ability, alternative school setting, or unique or unconventional expression of civic engagement.

#### Legal Reference:

##### STATE

5 CCR 11517.60-11519.56 English Language Proficiency Assessments for California

5 CCR 1632 Alternative credits toward graduation for foreign language instruction in private school

5 CCR 876 Golden State Seal Merit Diploma

Ed. Code 220 Prohibition of discrimination

Ed. Code 35160 Authority of governing boards

Ed. Code 35310-35319 Scholarship and loan funds

Ed. Code 44015 Awards to employees and students

Ed. Code 51243-51245 Credit for private school foreign language instruction

Ed. Code 51450-51455 Golden State Seal Merit Diploma

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Ed. Code 51460-51464 State Seal of Biliteracy

Ed. Code 51470-51474 State Seal of Civic Engagement

Ed. Code 52164.1 Assessment of English language skills of English learners

Gov. Code 54950-54963 The Ralph M. Brown Act

**Approved: May, 2021**

**Revised: February 2022**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5126

#### Regulations regarding Awards For Achievement

##### County Office/School Awards

The County Superintendent or designee may appoint an awards committee at each school which may consist of school administrators, staff members, parents/guardians, community members, and student representatives. The committee shall submit recommendations for student awards to the County Superintendent or designee for approval.

Individual awards in excess of \$1,000 must be expressly approved by the County Superintendent.

##### Golden State Seal Merit Diploma

To be eligible to receive the Golden State Seal Merit Diploma upon graduation from high school, a student shall complete all requirements for a high school diploma and shall demonstrate mastery of the curriculum in mathematics, English language arts, science, U.S. history, and two other subject matter areas selected by the student by meeting at least one of the following criteria for each subject:

1. Mathematics and English language arts
  - a. A grade of at least B+ or the numerical equivalent in a single course each semester completed in grade 9, 10, or 11
  - b. An achievement level of "Standard Met" or above for the high school Smarter Balanced Summative Assessment
2. Science
  - a. A grade of at least B+ or the numerical equivalent in a single course each semester completed in grade 9, 10, or 11
  - b. An achievement level of "Standard Met" or above for the high school California Science Test taken in grade 10 or 11
3. U.S. history
  - a. A grade of at least B or the numerical equivalent in the required U.S. history course each semester
  - b. A qualifying score that demonstrates mastery of the subject as determined by the Butte County Office of Education schools for an exam produced by a private provider or the Butte County Office of Education
4. Two additional subject areas of the student's choosing
  - a. Any additional qualifying grade or score listed above, earned for the subject of English language arts, mathematics, science, or U.S. history not already used to meet eligibility
  - b. A grade of at least B or the numerical equivalent upon completion of high school courses in other subjects
  - c. A qualifying score that demonstrates mastery of other subjects, as determined by the Butte County Office of Education schools, for an exam produced by a private provider or the Butte County Office of Education

The County Superintendent or designee shall maintain appropriate records to identify students who have earned the Golden State Seal Merit Diploma and shall affix an insignia to the high school diploma and transcript of each such student.

The County Superintendent or designee shall submit an insignia request form to the California Department of Education in sufficient time to allow for processing of the request prior to the high school graduation ceremony.

##### State Seal of Biliteracy

To be eligible to receive the State Seal of Biliteracy upon graduation, a student shall demonstrate a high level of proficiency in English and at least one other language, which may include American Sign Language, by meeting all of the following state-established criteria:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

1. Completion of all English language arts requirements for graduation with an overall grade point average of at least 2.0 in those classes
2. Passage of the California Assessment of Student Performance and Progress for English language arts or any successor test administered in grade 11 at or above the "Standard Met" achievement level
3. Proficiency in one or more languages other than English, demonstrated through one of the following methods:
  - a. Passage of a world language Advanced Placement (AP) exam with a score of 3 or higher or an International Baccalaureate (IB) exam with a score of 4 or higher
  - b. Successful completion of a four-year high school course of study in a world language, attaining an overall grade point average of at least 3.0 in that course of study, and oral proficiency in the language comparable to that required on an AP or IB exam
  - c. If no AP exam or off-the-shelf language test exists, passage of a Butte County Office of Education language exam that can be certified to meet the rigor of a four-year high school course of study in a given language and, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher
  - d. If a language is not characterized by listening, speaking, or reading, or for which there is no written system, passage of an assessment on the modalities that characterize communication in that language at the proficient level or higher
  - e. Passage of the SAT II world language exam with a score of 600 or higher

To be eligible to receive the State Seal of Biliteracy, a student whose primary language is other than English shall also attain the level which demonstrates English language proficiency on the state's English Language Proficiency Assessments for California.

The County Superintendent or designee shall maintain appropriate records to identify high school students who have earned the State Seal of Biliteracy and shall affix the insignia to the high school diploma or transcript of each such student. (Education Code 51463)

### **State Seal of Civic Engagement**

To be eligible to receive the State Seal of Civic Engagement, a student shall meet Butte County Office of Education requirements for all of the following state-established criteria:

1. Be engaged in academic work in a productive way
2. Demonstrate a competent understanding of U.S. and California Constitutions, functions and governance of local governments, tribal government structures and organizations, the role of the citizen in a constitutional democracy, and democratic principles, concepts, and processes
3. Participate in one or more informed civic engagement project(s) that address real-world problems and require students to identify and inquire into civic needs or problems, consider varied responses, take action, and reflect on efforts
4. Demonstrate civic knowledge, skills, and dispositions through self-reflection
5. Exhibit character traits that reflect civic-mindedness and a commitment to positively impact the classroom, school, community and/or society

The County Superintendent or designee shall maintain appropriate records to identify students who have earned the State Seal of Civic Engagement and shall affix the insignia to the high school diploma or transcript of each such student.

Legal Reference:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### STATE

5 CCR 11517.60-11519.56 English Language Proficiency Assessments for California

5 CCR 1632 Alternative credits toward graduation for foreign language instruction in private school

5 CCR 876 Golden State Seal Merit Diploma

Ed. Code 220 Prohibition of discrimination

Ed. Code 35160 Authority of governing boards

Ed. Code 35310-35319 Scholarship and loan funds

Ed. Code 44015 Awards to employees and students

Ed. Code 51243-51245 Credit for private school foreign language instruction

Ed. Code 51450-51455 Golden State Seal Merit Diploma

Ed. Code 51460-51464 State Seal of Biliteracy

Ed. Code 51470-51474 State Seal of Civic Engagement

Ed. Code 52164.1 Assessment of English language skills of English learners

Gov. Code 54950-54963 The Ralph M. Brown Act

**Approved: May, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5127

#### GRADUATION CEREMONIES AND ACTIVITIES

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying COE standards, and passing any required assessments. The Butte County Board of Education and the County Superintendent believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

At the discretion of the County Superintendent or designee, a student who will complete graduation requirements during the summer may be allowed to participate in graduation exercises without receiving a diploma. When the requirements have been satisfied, a diploma shall be sent to the student.

High School students who have passed a high school equivalency test, the California High School Proficiency Examination or have earned a Certificate of Completion may also participate in graduation ceremonies.

Invocations, prayers or benedictions shall not be included in graduation ceremonies. The Butte County Office of Education shall not sponsor other ceremonies or programs for graduates that include prayer.

#### Disciplinary Considerations

Students are expected to comply with COE and school policies, regulations and rules throughout the school session, including during graduation and related events. Students shall not be denied the privilege of participating in graduation ceremonies and activities except as discipline in cases of serious misconduct. In no event shall a student be denied participation in graduation ceremonies unless the Principal or designee has informed the student and the student's parents/guardians of the misconduct and has given them an opportunity to respond.

During the graduation ceremony, a student may be removed from the ceremony for conduct that is disruptive or poses a risk to safety.

High school seniors shall be notified of this policy in advance through the student handbook or other means and shall be required to acknowledge receiving it.

#### Legal Reference:

##### Education Code

35183.3 Graduation ceremonies; military dress uniforms

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51410-51412 Diplomas

**Approved: March, 2010**

**Revised: June 2020**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5131 CONDUCT**

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

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

The County Superintendent is committed to concrete actions to achieve excellence in education and the success of all students and staff by providing an educational environment that promotes equity, access and inclusion in every aspect of the organization. Consistent with this commitment, the County Superintendent and all staff implementing discipline in relation to such conduct expectations shall:

1. ensure nondiscrimination in discipline consistent with state and federal law;
2. treat all of its students fairly and equitably in the administration of discipline, regardless of any protected characteristic or category;
3. utilize a multi-tiered system of prevention and evidence-based responses to create a nurturing, safe school climate that is maximally conducive to learning;
4. stop and prevent shaming, isolation, and discriminatory practices in discipline, consistent with state and federal law, and provide staff with training and resources to eliminate all forms of bias and provide a culturally responsive and supportive climate for students of all protected characteristics;
5. ensure consistent and equitable implementation of research-based alternatives to punitive discipline and use exclusionary discipline only as a last resort after exhaustion of alternatives;
6. work with students who exhibit social behavioral issues to ensure that students remain engaged in the school's educational program and are given every opportunity to reach their potential; and
7. take effective and prompt steps to prevent, eliminate, and remedy the effects of harassment on students based on any protected characteristic or category.

All staff are encouraged and expected to serve as role models for students by demonstrating positive, professional attitudes, and respect toward each student and other staff members.

Teachers shall use effective classroom management techniques based on the positive and clear expectations for student behavior based on the Positive Behavior Interventions and Supports (PBIS) framework and aligned school sites procedures.

Expectations for student conduct shall be culturally relevant and age-appropriate.

The County Superintendent or designee shall establish objective standards of conduct and discipline in accordance with Butte County Office of Education Superintendent's Policy and Administrative Regulations. Students and parents/guardians shall be notified of Butte County Office of Education policy and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the Butte County Office of Education or its schools
6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the Principal or designee
9. Use of a cell phone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of Butte County Office of Education policy
10. Plagiarism or dishonesty on school work or tests
11. Wearing of any attire that violates the Butte County Office of Education or school dress codes, including gang-related apparel
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules

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

Employees shall consistently and fairly intervene and address reports of conduct violations, including by ensuring implementation of positive interventions of behavior and supports that are culturally aligned and alternative means of correction consistent with SP/AR 1544 - Discipline and SP/AR 5144.1 - Suspension and Expulsion/Due Process.

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

Students who violate school rules may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation in extracurricular or co-curricular activities in accordance with Butte County Office of Education Superintendent's Policy and Administrative Regulations. The County Superintendent or designee shall notify local law enforcement as appropriate.

Students who violate rules and regulations may be subject to other means of correction/alternatives including, but not limited to:

1. a conference between school personnel, the student's parent or guardian, and the student;
2. referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling;
3. study teams, guidance teams, resource panel teams, or other intervention related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the student and their parent/guardian;
4. referral for comprehensive psychological or psychoeducational assessment, including for the purpose of creating an individualized education program, or plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973);
5. enrollment in a program for teaching prosocial behavior or anger management;

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

6. participation in a restorative justice program;
7. positive behavior support approach with tiered interventions that occur during the school day on campus;
8. after school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups; and
9. any alternatives described in Education Code 48900.6.

Students also may be subject to discipline, in accordance with law, Butte County Office of Education Superintendent's Policy or Administrative Regulations, for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or Butte County Office of Education or school property, or substantially disrupts school activities.

### **Possession/Use of Cellular Phones and Other Mobile Communications Devices**

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

Where not prohibited as part of the school rules, students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, they shall return it at the end of the class period or school day.

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

35181 Governing board policy on responsibilities of students

35291 -35291.5 Rules

44807 Duty concerning conduct of students

48900-48926 Suspension or expulsion, especially

48908 Duties of students

51512 Prohibition use of electronic listening or recording device in classroom without permission

##### CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

##### PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

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

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

653.2 Electronic communication devices, threats to safety

##### VEHICLE CODE

23124 Use of cellular phones provisional license holders

##### CODE OF REGULATIONS, TITLE 5

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

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

UNITED STATES CODE, TITLE 47

**Approved: March, 2010**

**Revised: December, 2021**

**Revised: February 2022**

**Revised: September 2023**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5131.2

#### **Bullying**

This policy shall apply to all acts constituting bullying related to a school activity or school attendance occurring within a county office of education (COE) school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the COE.

The County Superintendent recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in COE schools with the involvement of students, parents/guardians, and staff. As appropriate the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

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

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and COE policy as applicable.

Families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

Adopted: April 2024 The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5131.2

### BULLYING

#### Examples of Prohibited Conduct

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code [48900\(r\)](#).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the Butte County Office of Education include, but are not limited to:

**Physical bullying:** An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures

**Verbal bullying:** An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm

**Social/relational bullying:** An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public

**Cyberbullying:** An act that occurs on electronic devices such as computers, tablets or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, sending rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content or posting embarrassing photos, videos, web site, or fake profiles

#### Measures to Prevent Bullying

The County Superintendent, or designee shall implement measures to prevent bullying in COE schools, including but not limited to, the following:

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

2. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate
3. Providing information to students, through student handbooks, COE and school websites, and other age-appropriate means, information about COE and school rules related to bullying and harassment prevention, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying, as required by law
4. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
6. Annually notifying COE employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

### **Staff Development**

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. Staff and families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

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

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

The Superintendent or designee shall post on the district's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following:

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1. The COE's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

### **Student Instruction**

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

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

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments and are expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online. Preventive strategies may be incorporated into schools' comprehensive safety plans and, to the extent possible, into the local control and accountability plan and other applicable COE and school plans.

### **Reporting and Filing Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

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When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, regardless of whether the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in Administrative Regulation 1312.3.

Any individuals with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, school administrator, or other COE employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, a report of the cyberbullying may be made to the social media platform together with a request that the material be removed.

### **Discipline/Corrective Actions**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention, and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with COE policies and regulations.

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.

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

### **Support Services**

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

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement, in accordance with Board Policy and Administrative Regulation 5141.52 - Suicide Prevention.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Approved: July, 2004

Revised: December, 2021

Revised: February 2022

Revised: April 2024

### **Legal Reference:**

Ed. Code 200-262.4

Ed. Code 32282

Ed. Code 35181

Ed. Code 35291-35291.5

Ed. Code 46600

Ed. Code 48900-48925

Ed. Code 48985

Ed. Code 52060-52077

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5131.2

#### BULLYING

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code [48900](#).

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

Examples of the types of conduct that may constitute bullying and are prohibited by the Butte County Office of Education include, but are not limited to:

**Physical bullying:** An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures

**Verbal bullying:** An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm

**Social/relational bullying:** An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public

**Cyberbullying:** An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles

#### **Measures to Prevent Bullying**

The County Superintendent or designee shall implement measures to prevent bullying in Butte County Office of Education schools, including, but not limited to, the following:

Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate

Providing information to students, through student handbooks, Butte County Office of Education and school web sites and social media, and other age-appropriate means, about school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously  
Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias

Annually notifying Butte County Office of Education school employees that, pursuant to Education Code [234.1](#), any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

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### **Staff Development**

The County Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code [32283.5](#))

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

Discuss the diversity of the student body and school community, including their varying immigration experiences  
Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims

Identify the signs of bullying or harassing behavior

Take immediate corrective action when bullying is observed

Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

### **Information and Resources**

The County Superintendent or designee shall prominently post on 'the web site, in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

The Butte County Office of Education policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

The definition of sex discrimination and harassment as described in Education Code [230](#), including the rights set forth in Education Code [221.8](#)

Title IX information included on the 'Butte County Office of Education's web site pursuant to Education Code [221.61](#), and a link to the Title IX information included on 'DE's web site pursuant to Education Code [221.6](#)

Butte County Office of Education policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying

A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media

A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code [234.5](#).

Any additional information the County Superintendent or designee deems important for preventing bullying and harassment

### **Student Instruction**

As appropriate, the Butte County Office of Education shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills,



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character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

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

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills. To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a Butte County Office of Education compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312-3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a Butte County Office of Education compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the Butte County Office of Education compliance officer identified in AR 1312.3.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the County Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

### **Discipline/Corrective Actions**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code [48900](#), may include suspension or expulsion in accordance with Butte County Office of Education Superintendent Policy and Administrative Regulations.

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

### **Support Services**

The County Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance

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personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code [48900.9](#))

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the County Superintendent or designee shall, as appropriate, implement Butte County Office of Education intervention protocols which may include, but are not limited to, referral to Butte County Office of Education or community mental health services, other health professionals, and/or law enforcement.

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5131.41

#### USE OF SECLUSION AND RESTRAINT

County Office staff shall enforce standards of appropriate student conduct in order to provide a safe and secure environment for students and staff on campus, but are prohibited from using seclusion and behavioral restraint to control student behavior except as authorized by law when the behavior poses a clear and present danger of serious physical harm to the student, other students, or others on campus, and that cannot be immediately prevented by a less restrictive response.

#### Definitions

*Behavioral restraint* includes mechanical restraint or physical restraint used as an intervention when a student presents an immediate danger to self or to others. Behavioral restraint does not include postural restraints or devices used to improve a student's mobility and independent functioning rather than to restrict movement.

*Mechanical restraint* means the use of a device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include the use of devices as prescribed by an appropriate medical or related services professional, including, but not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment; vehicle safety restraints during the transport of a student; restraints for medical immobilization; or orthopedically prescribed devices which permit a student to participate in activities without risk of harm. Mechanical restraint also does not include the use of devices by peace officers or security personnel for detention or for public safety purposes.

*Physical restraint* means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Physical restraint does not include a physical escort in which a staff member temporarily touches or holds the student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint also does not include the use of force by peace officers or security personnel for detention or for public safety purposes.

*Prone restraint* means the application of a behavioral restraint on a student in a facedown position.

*Seclusion* means the involuntary confinement of a student alone in a room or an area from which the student is physically prevented from leaving. Seclusion does not include a timeout involving the monitored separation of the student in an unlocked setting, which is implemented for the purpose of calming the student.

#### Prohibitions

Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation.

In addition, staff shall not take any of the following actions:

1. Administer a drug that is not a standard treatment for a student's medical or psychiatric condition in order to control the student's behavior or restrict the student's freedom of movement
2. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use as a locked room
3. Use a physical restraint technique that obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity, including a technique in which a staff member places pressure on the student's back or places their body weight against the student's torso or back
4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, the use of a pillow, blanket, carpet, mat, or other item to cover a student's face
5. Place a student in a facedown position with the student's hands held or restrained behind the student's back

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6. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others

### **Limited Use of Seclusion or Restraint**

Staff shall avoid the use of seclusion and behavioral restraint of students whenever possible. Seclusion or behavioral restraint may be used only to control student behavior that poses a clear and present danger of serious physical harm to the student or others, which cannot be immediately prevented by a response that is less restrictive.

When used, seclusion or restraint shall not be applied for longer than is necessary to contain the dangerous behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek the assistance of the principal or law enforcement agency, as applicable to the situation.

If a student is put in seclusion, the student shall be under constant, direct observation of a staff member. Such observation may be through a window or another barrier through which the staff member is able to make direct eye contact with the student, but shall not be made through indirect means such as a security camera or closed-circuit television.

If a student is restrained, staff shall afford the student the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the student and others.

If a prone restraint technique is used on a student, a staff member shall observe the student for any signs of physical distress throughout the use of the restraint. Whenever possible, the staff member monitoring the student shall not be involved in restraining the student.

Seclusion or restraint may only be applied to a student with disabilities in accordance with rules specified in AR 6159.4 Behavioral Interventions For Special Education Students. Staff may not apply seclusion or restraint to students with disabilities based on assumptions or stereotypes about disabilities or students with disabilities or for behavior that would not result in restraint or seclusion for students without disabilities.

The superintendent or designee shall provide training to staff in the safe and effective use of seclusion and restraint as appropriate.

### **Documentation of Seclusion and Restraint**

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs.

A behavior emergency report shall be completed and forwarded to the Superintendent or designee for review. This report shall include:

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavior intervention plan
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### Reports

The County Superintendent or designee shall annually collect data on the number of times that seclusion, mechanical restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an individualized education program, and all other students. This report shall be submitted to the California Department of Education no later than three months after the end of each school year, and shall be available as a public record pursuant to Government Code 6250-6270.

#### Legal Reference:

##### EDUCATION CODE

49001 Prohibition against corporal punishment

49005-49006.4 Seclusion and restraint

56520-56525 Behavioral interventions, students with disabilities, especially:

56521.1 Emergency interventions when behavior poses threat to student or others

56521.2 Prohibited interventions

##### GOVERNMENT CODE

6250-6270 California Public Records Act

##### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

##### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

#### Management Resources:

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Restraint and Seclusion: Resource Document, May 2012

#### WEB SITES

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

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

**Approved: June, 2020**

**Revised: February 2022**

**Revised: September 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5131.5

#### VANDALISM, THEFT AND GRAFFITI

The County Superintendent desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the County Superintendent or designee shall develop strategies for preventing vandalism on school grounds, including collaborating with local law enforcement and city and county officials. Vandalism includes the negligent, willful, or unlawful damaging or theft of any Butte County Office of Education real or personal property, including the writing of graffiti.

Students and staff are encouraged to report any graffiti or vandalism to the Principal or designee for investigation. The Principal or designee shall determine whether the incident necessitates an investigation pursuant to Butte County Office of Education's sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

As appropriate, the Principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by Butte County Office of Education or law enforcement and as evidence in any disciplinary proceedings.

The Principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Butte County Office of Education Superintendent's Policy and Administrative Regulations. If reparation for damages is not made, Butte County Office of Education may also withhold the student's grades, diploma, and/or transcripts in accordance with law.

#### Legal Reference:

##### EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding of grades, diplomas, or transcripts of pupils causing property damage or injury

##### CIVIL CODE

51.7 Right to be free from violence

52.1 Discrimination liability

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

##### GOVERNMENT CODE

53069.5 Reward for information

##### PENAL CODE

594 Vandalism

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

##### CODE OF REGULATIONS, TITLE 5

305 Student responsible for care of property

**Approved: July, 2009**

**Reviewed: May, 2021**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5131.6

#### ALCOHOL AND OTHER DRUGS

The County Superintendent believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The County Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

#### Legal Reference:

##### EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student  
44645 In-service training anabolic steroids  
48900 Suspension or expulsion (grounds)  
48900.5 Suspension, limitation on imposition; exception  
48901 Smoking or use of tobacco prohibited  
48901.5 Prohibition of electronic signaling devices  
48902 Notification of law enforcement authorities; civil or criminal immunity  
48909 Narcotics or other hallucinogenic drugs  
48915 Expulsion; particular circumstances  
49602 Confidentiality of pupil information  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51210 Areas of study  
51220 Areas of study, grades 7 to 12  
51260-51269 Drug education; 60041 Instructional materials  
60110-60115 Instructional materials on alcohol and drug education

##### BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

##### HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana  
11053-11058 Standards and schedules  
11353.6 Juvenile Drug Trafficking and Schoolyard Act  
11357 Unauthorized possession of marijuana; possession in school or on school grounds  
11361.5 Destruction of arrest or conviction records  
11372.7 Drug program fund; uses  
11802 Joint school-community alcohol abuse primary education and prevention program  
11965-11969 The School-Community Primary Prevention Program  
11998-11998.3 Drug and Alcohol Abuse Master Plans  
11999-11999.3 Alcohol and drug program funding; no unlawful use  
124175-124200 Adolescent family life program (Department of Health Services)

##### PENAL CODE

13860-13864 Suppression of drug abuse in schools

##### VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over

##### WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors  
828.1 Disclosure of criminal records; protection of vulnerable staff & students

**Approved: July, 2005**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5131.6

#### REGULATIONS REGARDING STUDENT SUBSTANCE ABUSE

The County Superintendent shall provide science-based preventative instruction, which helps student avoid the use of alcohol or other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social, and health consequences of drug and alcohol use.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal.

#### **Intervention**

The County Superintendent recognizes that there may be students on campuses who use alcohol and other drugs and can benefit from intervention. The County Superintendent supports intervention programs that include the involvement of students, parents/guardians, and community agencies/organizations. Information about the signs of alcohol and other drug use and about appropriate agencies offering counseling and rehabilitation for students and their family members should be made available to students and parents/guardians. The County Superintendent believes that school personnel must be trained to identify symptoms which may indicate use of alcohol and other drugs.

#### **Non-punitive Self-Referral**

The County Superintendent strongly encourages any student who is using alcohol or drugs to discuss the matter with their parent/guardian or with any staff member. Students who first disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

#### **Recovering Student Support**

The County Superintendent desires to support recovering students in avoiding re-involvement with alcohol and other drugs by providing school activities and support services which enhance recovery.

#### **Enforcement/Discipline**

The County Superintendent or designee shall take appropriate action to help eliminate possession, use or sale of alcohol and other drugs, and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. Students possessing, selling, and/or using alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures which may result in suspension, expulsion, and/or referral to law enforcement.

School authorities may search students and school properties for the possession of alcohol and other drugs as long as such searches are conducted in accordance with law, Butte County Office of Education's Superintendent's Policies, and Administrative Regulations.

#### 1. Possession or use

When any student illegally uses or possesses alcohol or other drugs at school or while under school jurisdiction, the following shall result:

- a. Parent/guardian contact;
- b. One to five-day suspension; or participate in a 24-hour drug education class during non-school hours
- c. Law enforcement authority contact within one school day of the suspension;
- d. Restriction from school activities.



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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

In addition, the following action may be taken:

- a. Recommendation of expulsion;
- b. Referral to an appropriate community-counseling program with the expectation that a least one counseling session will be held during the time of suspension;
- c. Transfer to an alternative placement.

When intervention efforts fail and the student continues to use or possess alcohol or other drugs at school or any school activity, he / she shall be expelled. The County Superintendent may suspend the expulsion and may assign the student to a school, class, or program appropriate for the student's rehabilitation.

### 2. Selling or Providing

When a student sells or provides alcohol or other drugs at school or while under school jurisdiction, the following shall result:

- a. Parent / guardian contact;
- b. Suspension with recommendation of expulsion;
- c. Law enforcement contact and / or probation within one school day of the suspension.

Staff shall notify the site administrator or designee immediately upon suspecting a student is selling or providing alcohol and other drugs. The site administrator or designee may notify law enforcement prior to confronting or searching the student.

A search for drugs may be made in accordance with the provisions of law and Butte County Office of Education Superintendent's Policy and Administrative Regulations.

When there is good evidence that a student has actually sold or provided alcohol or other drugs or drug paraphernalia on or about the school premises or at school sponsored function, law enforcement must be notified. Law enforcement authorities will decide whether they or the school will notify the parent / guardian.

**Approved: July, 2005**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5131.62

#### USE OF TOBACCO

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

#### **Prohibition Against Tobacco Use**

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of Butte County Office of Education employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited. These prohibitions do not apply to a student's possession or use of their own prescription products.

#### **Prevention Instruction**

Butte County Office of Education shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which Butte County Office of Education participates.

#### **Intervention/Cessation Services**

Butte County Office of Education may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

#### **Program Planning**

The County Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education and may modify the model to meet Butte County Office of Education needs.

The County Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. They shall also not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which has received funding from the tobacco industry.

#### Legal Reference:

##### EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

##### HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

##### PENAL CODE

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

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

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 21

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

ATTORNEY GENERAL OPINIONS

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

**Approved: March, 2011**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5131.7**

#### **WEAPONS AND DANGEROUS INSTRUMENTS**

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

#### **Possession of Weapons**

The County Superintendent prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds, when using BCOE or district provided transportation, at school-related or school-sponsored activities away from school, or while going to or coming from school.

If a student is in possession of a prohibited weapon, imitation firearm, or dangerous instrument which creates a threat or perceived threat of a homicidal act, any employee or other school official who is alerted to or observes such threat shall immediately report the threat to law enforcement. Under the power granted to the County Superintendent to protect the safety of students, staff, and others on BCOE property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

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

Unless a student has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Superintendent policy, and administrative regulations. All staff shall be made aware of their responsibilities regarding the reporting of potential homicidal acts to law enforcement, and receive training in the assessment and reporting of such threats.

#### **Possession of Pepper Spray**

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

#### **Reporting of Dangerous Objects**

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

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

### EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

### PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

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

653k Soliciting a minor to commit certain felonies

12001 Control of deadly weapons

12020-12036 Unlawful carrying and possession of concealed weapons

12220 Unauthorized possession of a machinegun

12401 Tear gas

12402 Tear gas weapon

12403.7 Weapons approved for self defense

12403.8 Minors 16 or over; tear gas and tear gas weapons

12555 Imitation firearms

### UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act; especially

§ 7151 Gun-Free Schools Act; Management Resources

**Approved: November, 2011**

**Revised: February 2022**

**Revised: September 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5131.7

#### REGULATIONS REGARDING WEAPONS AND DANGEROUS INSTRUMENTS

Prohibited weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, machine guns, "zip guns," "stun guns," tasers", cane guns, camouflaging firearms, and any other device from which is expelled through a barrel and capable of propelling a projectile by the force of an explosion or other form of combustion
2. Ammunition or reloaded ammunition
3. Knives, razor blades, and box cutters: any dirks, daggers, (or concealed dirks or daggers), cane swords, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3-1/2 inches, folding knives with a blade that locks into place, switchblade knives, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, rockets or rocket propelled projectile launchers, cap guns, bullets containing or carrying an explosive agent, containers of inflammable fluids, and other hazardous devices or concealed explosive substances
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 16000-34370, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as 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

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of Butte County Office of Education.

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use the employee's own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession. The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession.

**Approved: November, 2011**

**Revised: February 2022**

**Revised September 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5132

#### DRESS AND GROOMING OF STUDENTS

The County Superintendent holds high expectations for students and believes that appropriate dress and grooming contribute to a productive learning environment. The County Superintendent expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or is likely to cause a substantial disruption to the educational program.

County Office and school rules pertaining to school attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

The dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists and students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

#### **Students**

The expression of a student's uniqueness and individuality by means of the student's dress is recognized. Restrictions on freedom of student dress will be imposed whenever the mode of dress in question is:

1. Unsafe, either for the student or those around the student;
2. Disruptive of school operations and the education process in general;
3. Contrary to law;
4. Promotes alcohol, drug, or tobacco use.

No restrictions on freedom of dress and adornment will be imposed which:

1. Reflect discrimination as to civil rights;
2. Enforce particular codes of morality or religious tenets;
3. Attempt to dictate or adjudicate style or taste.

The County Superintendent considers this to be a judgment area of the program administrator. The Principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on student's gender, sexual orientation, race, ethnicity, household income or body type or size.

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the dress code may result in disciplinary action.

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status or other protected characteristics.

### **Career and Technical/Regional Occupational Programs / Work Experience Programs**

In some cases, uniforms or shop coats may be required. Regional Occupational Cooperative work experience dress code is set by the employer while the student is on the job. Students not working on the job should strongly consider the dress codes of prospective employers.

Legal Reference:

EDUCATION CODE

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

**Approved: July, 2004**

**Revised: December, 2021**

**Revised: February 2022**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5131.9 ACADEMIC HONESTY**

The Superintendent believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Superintendent expects that students will not cheat, lie, plagiarize, or commit other acts of academic dishonesty.

Students, parents/guardians, staff, and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators, and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

#### **Prohibited and Permitted Technology Use**

As the county office's standards for academic achievement are designed to challenge all students to reach their full potential in acquiring the knowledge and skills needed for success in postsecondary education, employment, and responsible citizenship, any use of technology that prevents or inhibits a student from achieving these standards is prohibited. Prohibited uses include, but are not limited to, using technology primarily or solely for the completion of coursework as a student's original work and generating answers to mathematical, scientific, or analytical problems.

Permitted uses of technology include, but are not limited to, conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications.

Additionally, consistent with the limitations expressed in this policy and with teacher consent, students may also use technology to assist with assessments, homework, and/or makeup work or other uses approved by the teacher.

However, a student with a disability shall be permitted to use technology for any purpose identified in the student's individualized education program as a tool to support the student's learning.

If an employee suspects that a student has used technology in violation of this policy, the student shall be given the opportunity to demonstrate that the use of technology was in accordance with this policy.

Any information acquired from an employee's use of technology in determining whether a student has committed an act of academic dishonesty shall be shared with the student, and the student's parent/guardian as appropriate.

The Superintendent or designee may provide training to staff regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

**Approved: October, 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5132

#### DRESS AND GROOMING OF STUDENTS

In cooperation with teachers, students, and parents/guardians, the Principal or designee may establish school rules governing student dress and grooming which are consistent with law, Butte County Office of Education Superintendent's Policy, and Administrative Regulations. These school dress codes shall be regularly reviewed. The following guidelines shall apply to all regular school activities:

1. Clothing, jewelry, and personal items shall be free of writing, pictures, or any other insignia which is vulgar, lewd, obscene, profane, or sexually suggestive or which promotes the use of alcohol, drugs, tobacco, or other illegal activity.
2. Appropriate shoes must be worn at all times.
3. Hats, caps, and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments. See-through tops and bare abdomens are prohibited.

The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the Principal or designee. In addition, the Principal or designee may impose dress requirements to accommodate the needs of special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control.

Students shall be allowed to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day.

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff, and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus.

To the extent that an individual school develops a dress code prohibiting gang-related apparel, the Principal and staff shall ensure that: (1) appropriate visual and written notification of any prohibitions are provided to students on campus and in the student handbook in a manner that is consistent with Positive Behavior Interventions and Supports implementation; (2) notice of the prohibition(s) are sent home to parents/guardians prior to the beginning of any school year or semester using multiple means (including written letter, robocall, virtual or in-person back-to-school meeting, and email), along with training opportunities and educational information for parents/guardians about potential gang activity in the community and how to prevent student involvement and provide support for students.

The Principal and staff shall also ensure that the code is enforced consistently and without regard to any protected characteristic. Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received. As necessary, the school shall collaborate with law enforcement agencies to update definitions of gang-related apparel. Any definition or revisions to such definition shall be based on substantial evidence that such apparel is in fact gang-related.

Notice or any change in the definition shall be sent home to parents/guardians using multiple means (including written community, robocall, virtual or in-person back-to-school meeting, and email) prior to the beginning of a new semester, along with training opportunities and educational information for parents/guardians about potential gang activity in the community and how to prevent student involvement and provide support for students.

## BUTTE COUNTY OFFICE OF EDUCATION

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Butte County Office of Education schools shall offer free clothing replacement to families with low socioeconomic status, if the school prohibits students from wearing clothing containing certain standard clothing colors (e.g., blue, red, green, yellow, purple, black). Notices containing the prohibitions on gang-related apparel shall provide options for parents/guardians to obtain replacement clothing to wear at school.

The Principal and staff shall regularly review data on any disciplinary consequences related to gang-related apparel violations to ensure nondiscriminatory enforcement and that consequences imposed are not resulting in unnecessary loss of school-time or other negative academic, health, or mental health impacts.

**Revised: December, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5140**

#### **WELFARE – HEALTH STANDARDS**

The County Superintendent recognizes the importance of student health. It is the intent of the County Superintendent to maintain the highest level of health standards in those programs operated by the Butte County Office of Education. The County Superintendent directs that no student shall be denied the right to an education due to special health care requirements and that students are entitled to an education in the least restrictive environment.

The County Superintendent encourages employees to work cooperatively with local health agencies and officers to take the necessary measures for the prevention and control of communicable diseases, in accordance with policy.

#### Legal Reference:

##### EDUCATION CODE

44690-44691 "School Personnel" Staff development in the detection of child abuse and neglect

49400 Health and physical development of pupils

49403 Cooperation in control of communicable disease and immunization of pupils

49408 Information for use in emergencies

49413 First aid and cardiopulmonary resuscitation

49414 Authority of school district or county office of education to provide emergency epinephrine auto-injectors to trained personnel

49422 Health and physical development of pupils; supervision; psychological tests and other psychological activities

49423 Administration of prescribed medication for pupil

49423.6 Medication; administration in public schools

49457 Report to governing board

49470 Medical and hospital services for athletic program

49474 Ambulance service

49480 Continuing medication regimes for non-episodic condition; required notice to school employees

**Approved: July, 2004**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5141

#### HEALTH CARE AND EMERGENCIES

The County Superintendent recognizes the importance of taking appropriate action whenever an accident or illness threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

Under Education Code § 49407, no school shall be held liable for the reasonable treatment of a student without the consent of the parent/guardian when the student requires reasonable medical treatment and the parent/guardian cannot be reached, unless other than first aid, a written objection to medical treatment has been previously filed with the school.

#### **Resuscitation Orders**

Designated Butte County Office of Education employees have received training and are expected to respond to emergency situations without discrimination. If any student needs resuscitation, staff shall make every effort to resuscitate him/her. When traditional cardiopulmonary resuscitation (CPR) is not medically appropriate, an individual resuscitation plan would be developed to provide for emergency resuscitation of a student. This plan should be developed by a multi-disciplinary school-based team of persons who are knowledgeable about the student. The team, including the student's parent, physician, and appropriate school personnel, should develop appropriate individual plans based on expert medical and other relevant information about the student.

Staff members are prohibited from accepting or following any parental or medical Do Not Resuscitate (DNR) orders while the child is under the control and supervision of the Butte County Office of Education. Once emergency medical personnel have assumed control of the student, information concerning Do Not Resuscitate (DNR) orders shall be communicated.

In the event a parent(s) presents a Do Not Resuscitate order, supported by a written statement from the student's physician, and an order from an appropriate court to honor the DNR order, staff shall follow that order of the court.

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

#### **Automated External Defibrillators**

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

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

The authorization of AEDs in district schools shall not be deemed to create a guarantee that an AED will be present or will be used in the case of an emergency, or that a trained employee will be present and/or able to use an AED in an emergency, or that the AED will operate properly.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

EDUCATION CODE

49407 Liability for treatment

49408 Information for use in emergencies

FAMILY CODE

6550-6552 Caregivers

**Approved: February, 2010**

**Revised: February, 2022**

**Revised: July, 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5141

### REGULATIONS REGARDING HEALTH CARE AND EMERGENCIES

#### **Emergency Contact Information**

In order to facilitate contact in case of an emergency or accident, parents/guardians shall furnish the Principal or designee with the information specified below:

1. Home address and telephone number
2. Parent/guardian's business address and telephone number
3. Parent/guardian's cell phone number and e-mail address, if applicable
4. Name, address and telephone number of a relative or friend to whom the student may be released and who is authorized by the parent/guardian to care for the student in cases of emergency or when the parent/guardian cannot be reached
5. Local physician to call in case of emergency

#### **Consent by Caregiver**

Any person 18 years of age and older who files with the county a completed caregiver's authorization affidavit for a minor county student shall have the right to consent to or refuse school-related medical care on behalf of the student. The caregiver's authorization shall be invalid if the county receives notices that the minor student is no longer living with the caregiver.

The caregiver's consent to medical care shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health or safety.

#### **Automated External Defibrillators**

When an automated external defibrillator (AED) is placed in a district school, the Superintendent or designee shall notify an agent of the local emergency medical services agency of the existence, location, and type of AED acquired. (Health and Safety Code 1797.196, 1797.200)

The Superintendent or designee shall ensure that any AED placed at a district school is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer. (Health and Safety Code 1797.196)

The Superintendent or designee shall develop a written plan which describes the procedures to be followed in the event of a medical emergency, including an emergency that may involve the use of an AED. These procedures should include, but not be limited to, requirements for immediate notification of the 911 emergency telephone number in the event of an emergency that may involve the use of an AED.

The principal of any district school with an AED shall annually provide information to school employees that describes: (Health and Safety Code 1797.196)

1. Sudden cardiac arrest
2. The school's emergency response plan
3. The proper use of an AED

Instructions on how to use the AED, in no less than 14-point type, shall be posted next to every AED. In addition, school employees shall be notified annually of the location of all AED units on campus. (Health and Safety Code 1797.196)

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Each AED shall be checked for readiness at least biannually and after each use. In addition, the Superintendent or designee shall ensure that an inspection is made of all AEDs at least every 90 days for potential issues related to operability of the device, including a blinking light or other obvious defect that may suggest tampering or that another problem has arisen with the functionality of the AED. The Superintendent or designee shall maintain records of these checks. (Health and Safety Code 1797.196)

**Approved: July, 2005**

**Revised: February, 2022**

**Revised: July, 2022**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5141.1**

#### **REPORTING STUDENT ACCIDENTS**

Student accidents should be reported immediately. If a pattern of student accidents or injury is suspected by a Butte County Office of Education staff person, a review of incidents may be conducted to determine the cause of reoccurrence.

Immediately following an accident and following any necessary medical attention, the County Superintendent directs that the following steps be taken:

1. Employee immediately reports a student accident or injury to program administrator and risk management.
2. Employee completes a Student Accident Report and forwards to the program administrator on the day of the incident unless there are extenuating circumstances. All pertinent facts and information should be included with the report.
3. Risk management forwards a copy of the report to the County Superintendent or designee for any serious student accident.
4. Program administrator may request an investigation of the incident.

Legal Reference:

EDUCATION CODE

32040-43044 First Aid Equipment

49300-49307 School Safety Patrols

49403-49590 Pupil and Personnel Health

49408 Information for use in emergencies

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

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

**Approved: July, 2004**

**Revised: May, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### STUDENT/NON-EMPLOYEE ACCIDENT FORM

FILLABLE FORM OR MAY PRINT AND COMPLETE

CONFIDENTIAL



**BUTTE SCHOOLS**  
SELF-FUNDED PROGRAMS



School Site/Department: \_\_\_\_\_ Today's Date: \_\_\_\_\_

NAME OF INJURED PERSON: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Birth date: \_\_\_\_\_ Student: \_\_\_\_\_ Non-Student: \_\_\_\_\_ Other: \_\_\_\_\_

IF NON-STUDENT OR OTHER, STATE WHY ON PREMISES: \_\_\_\_\_

DATE OF INJURY: \_\_\_\_\_ TIME OF DAY: \_\_\_\_\_ Weather Problems? \_\_\_\_\_

Location: \_\_\_\_\_ How did accident occur? (FACTS ONLY – NO JUDGMENTS OF FAULT) \_\_\_\_\_

Was any Superintendent Policy or Regulations violated?  Yes  No If yes, explain: \_\_\_\_\_

DESCRIPTION OF INJURY: \_\_\_\_\_

CAUSE OF INJURY: \_\_\_\_\_

Employee in charge at time of accident: \_\_\_\_\_ was employee present?  Yes  No

MEDICAL ATTENTION GIVEN: \_\_\_\_\_

Were parents or guardian contacted?  Yes  No If Yes, who? \_\_\_\_\_

Disposition of injured person: Return to Class  , Home  , Doctor  , Hospital

WITNESSES: Name Address Telephone

Name of Person completing this report: \_\_\_\_\_ Phone: \_\_\_\_\_

This form should be completed on all injuries to student or non-students (other than BCOE employees) and routed to the Associate Superintendent of SLSS. In case of serious injury, please call 530-532-5747 immediately and, as soon as possible, scan a copy to Christy Patterson, Executive Director at BSSP, [cpatters@bsspjpa.org](mailto:cpatters@bsspjpa.org), 530-879-7438.

Approved: July, 2004

Revised: May, 2021

Revised: February 2022

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5141.21**

#### **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

The County Superintendent recognizes that during the school day, some students may need to take medication prescribed or ordered by an authorized health care provider to be able to fully participate in the educational program. The County Superintendent or designee shall develop processes for the administration of medication to these students. For any student with a disability, as defined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 services plan.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. The student shall observe universal precautions in the handling of blood and other bodily fluids.

#### **Administration of Medication by School Personnel**

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

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

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

#### **Administration of Medication for Emergency Intervention**

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

The Superintendent or designee shall make naloxone hydrochloride or another opioid antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose.  
(Education Code 49414.3)

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Having considered historical school related opioid emergencies, available emergency services, and the unique rural climate of the area, it has been determined that the implementation of a program for the administration of emergency intervention medication is necessary.

When medically unlicensed personnel are authorized by law to administer any medication to students, such as emergency anti-seizure medication, auto-injectable epinephrine, insulin, glucagon, naloxone hydrochloride or another opioid antagonist, the County Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by and provided with emergency communication access to a school nurse, physician, or other appropriate individual.

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

In an emergency situation such as a public disaster or epidemic, a trained, unlicensed Butte County Office of Education employee may administer medication to a student.

### Legal Reference:

#### EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.5 Providing school personnel with voluntary emergency training

49414.7 Emergency medical assistance: administration of epilepsy medication

49422-49427 Employment of medical personnel, especially

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

#### BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially

2726 Authority not conferred

2727 Exceptions in general

3501 Definitions

#### CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

#### UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

**Approved: November, 2011**

**Revised: October, 2016**

**Revised: February, 2022**

**Revised: September, 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5141.21

#### REGULATIONS REGARDING ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

##### Definitions

*Authorized health care provider* means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant.

*Other designated school personnel* means any individual employed by Butte County Office of Education, including a nonmedical employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication.

*Medication* may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

*Epinephrine auto-injector* means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction.

*Anaphylaxis* means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.

*Opioid antagonist* means naloxone hydrochloride, or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose.

*Albuterol* means a bronchodilator used to open the airways by relaxing the muscles around the bronchial tubes.

*Inhaler* means a device used for the delivery of prescribed asthma medication that is inhaled.

##### Notifications to Parents/Guardians

At the beginning of each school year, the County Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options.

In addition, the County Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a non-episodic condition of the following:

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Parent/Guardian Responsibilities**

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and authorized health care provider's written statement each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes.
2. If the student is on a continuing medication regimen for a non-episodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed.
3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

### **Parent/Guardian Statement**

When Butte County Office of Education employees are to administer medication to a student, the parent/ guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized Butte County Office of Education representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how Butte County Office of Education employees will administer or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that their child be allowed to carry and self-administer prescription auto-injectable epinephrine, or prescription inhaled asthma medication, the parent/guardian's written statement shall:

1. Consent to the self-administration
2. Release Butte County Office of Education and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the Butte County Office of Education to administer medication to their child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

### **Health Care Provider Statement**

When any Butte County Office of Education employees are to administer medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student
2. The name of the medication
3. The method, amount, and time schedules by which the medication is to be taken
4. If a parent/guardian has requested that their child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel
6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
7. Possible side effects of the medication
8. Name, address, telephone number, and signature of the student's authorized health care provider

For self-administration of inhaled asthma medication, the BCOE shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish and shall include the name and contact information for the physician or surgeon.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **BCOE Responsibilities**

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medications in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications, and note on the list the type of medication and the times and dosage to be administered
4. Maintain a medication log which may:
  - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
  - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate, and as appropriate, ensure the administration of medication during field trips and after-school activities
8. Report to a student's parent/guardian and the site administrator any refusal by the student to take their medication
9. Keep all medication to be administered by the Butte County Office of Education in a locked drawer or cabinet
10. As needed, communicate with the authorized health care provider and pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose
12. Ensure that unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance
14. Report to the site administrator, the student's parent/guardian, and if necessary, the student's authorized care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

### **Emergency Epinephrine Auto-Injectors and Emergency Albuterol Inhalers**

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other trained personnel who have volunteered to administer them in an emergency and have received training. The school nurse, or when a school nurse or physician is unavailable, a trained volunteer may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. A trained volunteer may include the holder of an Activity Supervisor Clearance Certificate who has received specified training.

Additionally, the Superintendent or designee may make emergency stock albuterol inhalers available to school nurses and trained personnel who have volunteered to be used to provide medical aid to person(s) suffering, or reasonably believed to be suffering, from respiratory distress.

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injectors and/or stock albuterol inhalers for emergency aid to individuals exhibiting signs of anaphylaxis reaction or respiratory distress. Such notices shall also describe the training that the volunteers will receive.

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 or 49414.7 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference.

A school nurse or other qualified supervisor of health, or an administrator if the COE does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers.

Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector.

The COE shall store emergency epinephrine auto-injectors and stock albuterol inhalers in an accessible location and shall specify such location in annual notices to staff.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

If either medication is used, the school nurse or other qualified supervisor of health shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, all medications shall be restocked before their expiration date.

Any volunteer or trained personnel who administers either medication shall initiate emergency medical services or other appropriate medical follow-up in accordance with the training materials retained by the school.

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors, and/or stock albuterol inhalers, shall be provided to each volunteer and retained in the employee's personnel file.

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, or 49414.7, including, but not limited to, the acceptance of epinephrine auto-injectors and/or emergency albuterol inhalers from a manufacturer or wholesaler.

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created.

### **Emergency Medication for Opioid Overdose**

The BCOE may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication.

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable and shall only administer the medication by nasal spray or auto-injector.

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer.

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference.

Each volunteer shall meet the minimum standards of training for the administration of an emergency opioid antagonist as specified in Education Code 49414.3 or shall have undergone opioid overdose prevention and treatment training and reviewed material available on the California Department of Public Health's website.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Any prescription for naloxone hydrochloride or another opioid antagonist shall be obtained by a school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers.

If the medication is used, the school nurse, other qualified supervisor of health, or administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date.

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in the employee's personnel file.

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler.

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created.

### **Anti-Seizure Medication**

A school nurse or, if a school nurse is not onsite or available, a volunteer designated by the district may administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed such medication from the student's health care provider and is suffering from a seizure.

In order to solicit volunteers, the district shall distribute a notice at least once, but no more than two times per school year, to all staff that includes the following information:

1. A description of the volunteer request stating that the request is for volunteers to be trained to recognize and respond to seizures, including training to administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy if the student is suffering from a seizure
2. A description of the training that the volunteer will receive
3. The right of an employee to rescind the offer to volunteer
4. A statement that there will be no retaliation against any individual for rescinding the offer to volunteer, including after receiving training

A volunteer may rescind the offer to administer emergency anti-seizure medication at any time, including after receipt of training.

If a volunteer rescinds the offer to volunteer or is no longer able to act as a volunteer for any reason, or if the placement of a student changes and the student no longer has access to a trained volunteer, the district may distribute an additional two notices per school year to all staff.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Volunteer employees shall receive initial and annual refresher training, based on standards adopted by the SPI, regarding the recognition and response to seizures and the administration of emergency anti-seizure medication. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference.

Before administering emergency anti-seizure medication or therapy prescribed to treat seizures in a student diagnosed with seizures, a seizure disorder, or epilepsy, the district shall obtain from the student's parent/guardian a seizure action plan as specified in Education Code 49468.3. The school or district nurse shall collaborate with the parent/guardian of each student diagnosed with seizures, a seizure disorder, or epilepsy in the development of a plan if the student does not have an individualized education plan or Section 504 plan.

If the school obtains written consent from the student's parent/guardian, in accordance with 34 CFR 99.30, the seizure action plan shall be distributed to any school staff or volunteers responsible for the supervision or care of the student.

Upon receipt of a request from a parent/guardian of a student diagnosed with seizure, a seizure disorder, or epilepsy, the district shall notify the parent/guardian that the student may qualify for services or accommodations pursuant to Section 504 of the federal Rehabilitation Act of 1973 or an individualized education program and shall assist the parent/guardian with the exploration of that option.

Additionally, if there are no volunteers at the student's school, the Superintendent or designee shall notify the student's parent/guardian of the student's right to be assessed for services and accommodations guaranteed under Section 504 of the federal Rehabilitation Act of 1973 and the federal Individuals with Disabilities Education Act and may ask the parent/guardian to sign such notices.

The principal or designee shall notify the school nurse assigned to the school, or if a school nurse is not assigned to the school or district, the Superintendent or designee, if an employee administers an emergency anti-seizure medication.

The notification described above and the seizure action plan shall be kept on file in the office of the school nurse or a school administrator, in compliance with all applicable state and federal privacy laws.

The district shall provide volunteers defense and indemnification for any and all civil liability, with information stating such being provided to the volunteer in writing and retained in the volunteer's personnel file.

Trained volunteers who administer emergency anti-seizure medication or medication prescribed for seizure disorder symptoms to a student diagnosed with seizures, a seizure disorder, or epilepsy who appears to be experiencing a seizure shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for acts or omissions in administering the emergency anti-seizure medication.

**Approved: November 2011**

**Revised: October 2022**

**Revised: April 2024**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5141.22

#### INFECTIOUS DISEASES

The County Superintendent desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students. The County Superintendent recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.

#### **Infectious Disease Prevention**

The County Superintendent or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures and education of students and staff.

The County Superintendent or designee shall regularly review resources available from health experts to ensure programs are based on the most up-to-date information.

The County Superintendent or designee shall ensure that the comprehensive health education program provides information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. They shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.

#### **Universal Precautions**

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

The County Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

#### **Students with Infectious Diseases**

The County Superintendent or designee shall exclude students only in accordance with law, Butte County Office of Education's Superintendent's Policy, and Administrative Regulations. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the County Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The County Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law.

#### Legal Reference:

##### EDUCATION CODE

48210-48216 Persons excluded

49073-49079 Privacy of pupil records

49403 Cooperation in control of communicable disease and immunization of pupils

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49602 Confidentiality of student information

51202 Instruction in personal and public health and safety

CALIFORNIA CONSTITUTION ARTICLE 1

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### Section 1 Right to Privacy

#### CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

#### HEALTH AND SAFETY CODE

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121022 Mandated blood testing and confidentiality to protect public health

121475-121520 Tuberculosis tests for pupils

#### CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

#### CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

**Approved: July, 2006**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5141.24

### REGULATIONS REGARDING SPECIALIZED HEALTH CARE SERVICES

#### Definitions

Specialized physical health services means those health services prescribed by the student's licensed physician requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the student to attend school. These services include catheterization, gastric tube feeding, suctioning, or other services that require medically related training.

Qualified means the ability to demonstrate competence in cardio-pulmonary resuscitation, current knowledge of community emergency medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with disabilities. In addition, for designated school personnel, qualified means trained in the procedures to a level of competence and safety which meets the objectives of the training as provided by the school nurse, public health nurse, licensed physician, or other programs which provide the training.

Training means preparation in the appropriate delivery and skillful performance of specialized physical health care services.

Supervision means review, observation, and/or instruction of a designated school person's performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times.

#### Provision of Services

A student with disabilities who requires specialized health care services, as identified in their individualized education program (IEP), during the school day may be assisted by any of the following individuals:

1. Qualified persons who possess an appropriate credential pursuant to Education Code 44267 or Education Code 44267.5, or a valid certificate of public health nursing issued by the Board of Registered Nursing.
2. Qualified designated school personnel trained in the administration of specialized physical health care if they perform those services under the supervision of a credentialed school nurse or licensed physician and the services are determined by the credentialed school nurse or licensed physician, in consultation with the physician treating the student, to meet all of the following criteria:
  - a. Constitute routine care for the student
  - b. Pose little potential harm for the student
  - c. Are performed with predictable outcomes, as defined in the student's IEP
  - d. Do not require a nursing assessment, interpretation, or decision making by the designated school personnel

Specialized health care or other services that require medically related training shall be provided pursuant to Education Code 49423.

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured.

A qualified school nurse, public health nurse, or licensed physician responsible for supervising the physical health care of students with disabilities in the school setting shall:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

1. Coordinate the health care services to the students with disabilities on the school site
2. Consult with appropriate personnel regarding management of health care services for students with disabilities
3. Make appropriate referrals and maintain communication with health agencies providing care to students with disabilities
4. Maintain or review licensed physician and parent/guardian requests and daily documentation records

The licensed physician of a student with disabilities who is required to receive physical health care services shall provide a written statement detailing the procedure and time schedule by which such procedures are to be given. In addition, the student's parent/guardian shall provide a written statement indicating their desire that Butte County Office of Education assist the student in the matters set forth in the physician's statement and granting consent for the delivery of such services.

For each student with disabilities, Butte County Office of Education shall maintain the physician and parent/guardian statements, as well as the specific standardized procedures to be used if the services are provided. Butte County Office of Education shall also maintain daily documentation of specific services provided and shall include the signatures of the personnel who performed the procedure. This documentation shall be maintained in accordance with the requirements for confidentiality of student records and shall be classified as mandatory interim student records.

### Legal Reference:

#### EDUCATION CODE

49423 Administration of prescribed medication for student

49423.5 Specialized physical health care services

49426 School nurses

56000-56606 Special education programs, especially:

56345 Individualized education program contents

**Approved: November, 2007**

**Revised: February 2022**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5141.3

#### HEALTH EXAMINATIONS

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations.

A parent/guardian may annually file with the principal a written statement withholding consent to the child's physical examination. Any such student shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected.

#### Vision Tests

Each student's vision shall be appraised, by the school nurse or other personnel authorized under Education Code 49452, during the kindergarten year or upon first enrollment or entry in an elementary school and subsequently in grades 2, 5, and 8. However, a student who is tested upon first enrollment or entry in BCOE in grade 4 or 7 shall not be required to be appraised in the next immediate year.

The vision appraisal shall include tests for visual acuity, including near vision. Male students shall also be tested once for color vision in grade 1 or later and the results of the appraisal shall be entered in the student's health record.

Appraisal of a student's vision may be waived under either of the following conditions:

1. The student's parent/guardian requests a waiver and presents a certificate from a physician/surgeon, physician assistant, or optometrist showing the results of an examination of the student's vision, including visual acuity and, in male students, color vision.
2. The student's parents/guardians file with the principal a written statement that they adhere to the faith or teachings of any well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The report of a visual defect, if made in writing, shall be made on a form prescribed by the Superintendent of Public Instruction. The report shall not include a referral to any private practitioner. However, the student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.

In addition to the vision appraisals described above, the school nurse and/or classroom teacher shall continually and regularly observe students' eyes, appearance, behavior, visual performance, and perception that may indicate vision difficulties.

#### Eye Examinations for the Purpose of Eyeglasses

In addition to the vision appraisals described above, the district may enter into a memorandum of understanding with a nonprofit eye examination provider, including a mobile provider, to provide noninvasive eye examinations at a district school exclusively for the purpose of providing eyeglasses. (Education Code 49455.5) Prior to any eye examination, the school shall notify parents/guardians of the upcoming eye examination and include a form that allows them to opt their child out of the examination. Parents/guardians who have submitted a general opt-out written statement in accordance with Education Code 49451 are deemed to have opted out.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Parents/guardians whose child receives an eye examination shall be provided a report by the provider in accordance with Education Code 49456.

### **Hearing Tests**

The County Superintendent or designee shall provide for the administration of hearing tests to district students by personnel authorized to conduct such testing pursuant to Education Code 49452 and 49454 and in accordance with the procedures specified in 17 CCR 2951.

Each student shall be given a hearing screening test at the following times:

1. Kindergarten or grade 1
2. Grade 2
3. Grade 5
4. Grade 8
5. Grade 10 or 11
6. Upon first entry into the California public school system

Each student enrolled in a special education program, other than those enrolled because of a hearing problem, shall be given a hearing test when enrolled in the program and every third year thereafter. Hearing tests may be given more frequently as needed, based on the individualized education program team's evaluation of the student. A follow-up hearing threshold test shall be administered to any student who fails to respond to any of the required frequencies in the screening test or is otherwise determined to need further evaluation.

The County Superintendent or designee shall provide written notification of test results to the parents/guardians of any student who fails the hearing tests. When the test results fall within the levels specified in 17 CCR 2951 or there is evidence of pathology, such as an infection of the outer ear, chronic drainage, or a chronic earache, the notification shall include a recommendation that a further medical and audiological evaluation be obtained.

The dates and results of all screening tests and copies of threshold tests shall be included in the student's health records. The principal or designee shall prepare an annual report of the school hearing testing program, using forms provided by the Department of Health Services, with copies to the Superintendent and the County Superintendent of Schools.\)

### **Scoliosis Screening (MZ- did not finish, waiting on MT)**

#### **Type 1 Diabetes Information**

The Superintendent or designee shall provide parents/guardians of children enrolled in elementary school for the first time, or with the annual notifications pursuant to Education Code 48980, an information sheet developed by the California Department of Education (CDE) regarding type 1 diabetes as specified in Education Code 49452.6.

#### **Type 2 Diabetes Information**

Because type 2 diabetes in children is a preventable and treatable disease, parents/guardians are encouraged to have their child screened by an authorized health care practitioner for risk factors of the disease, including excess weight, and to request tests of their child's blood glucose to determine if the child has type 2 diabetes or pre-diabetes. The Superintendent or designee shall provide parents/guardians of incoming students in grade 7, or with the annual notifications pursuant to Education Code 48980, an information sheet developed by CDE regarding type 2 diabetes, which includes:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

1. A description of the disease and its risk factors and warning signs
2. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes be screened for the disease
3. A description of the different types of diabetes screening tests available
4. A description of treatments and prevention methods

The County Superintendent or designee may provide information to parents/guardians regarding public or private sources from which they may receive diabetes screening and education services for free or at reduced costs.

### Legal Reference:

#### EDUCATION CODE

44871-44879 Employment qualifications

48980 Parental notifications

49400-49414.5 Student health, general powers of school boards

49422 Supervision of health and physical development

49450-49458 Physical examinations (of students)

49460-49466 Development of standardized health assessments

#### HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable diseases

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

**Approved: November, 2010**

**Reviewed: May, 2021**

**Revised: September 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **AR 5141.3**

#### **REGULATIONS REGARDING HEALTH EXAMINATIONS**

The Principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations.

A parent/guardian may annually file a written statement with the Principal withholding consent to the physical examination of their child. Any such student shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected.

#### **Vision and Hearing Tests**

All students shall be tested for visual acuity when they first enroll in elementary school and at least every three years thereafter until they complete grade 8. Gross external observation of the student's eyes, visual performance, and perception shall be made by the school nurse and the classroom teacher.

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record.

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from an authorized health care provider specifying the results of an examination of the student's vision, including visual acuity, and, in male students, color vision.

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The report of a visual defect, if made in writing, shall be made on a form prescribed by the Superintendent of Public Instruction.

Such reports shall not include a referral to any private practitioner. However, the student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.

#### **Scoliosis Screening**

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law.

Persons performing the screening shall not solicit, encourage, or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening.

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources.

**Approved: November, 2010**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5141.31

#### IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the County Superintendent shall cooperate with state and local public health agencies to encourage and facilitate immunization of all Butte County Office of Education's students against preventable diseases.

Each student enrolling for the first time in a Butte County Office of Education elementary or secondary school, preschool, or child care and development program or enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Transfer students shall be requested to present immunization record upon registration in a Butte County Office of Education school if possible.

The County Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school.

#### Legal Reference:

##### FEDERAL

20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974

34 CFR 99.1-99.67 Family Educational Rights and Privacy

42 USC 11432 Immediate enrollment of homeless children

##### STATE

17 CCR 6000-6075

School attendance immunization requirements - <https://simbli.eboardsolutions.com/SU/YzfyALHtH25cYebUH5ax1Q==>

5 CCR 430 Individual student records; definition

Ed. Code 44871 Qualifications of supervisor of health

Ed. Code 46010 Total days of attendance

Ed. Code 48216 Immunization

Ed. Code 48853.5 Immediate enrollment of foster youth

Ed. Code 48980 Required notification of rights

Ed. Code 49403 Cooperation in control of communicable disease and immunizations

Ed. Code 49426 Duties of school nurses

Ed. Code 49701 Flexibility in enrollment of children of military families

Ed. Code 51745-51749.6 Independent study

H&S Code 120325-120380 Immunization against communicable diseases

H&S Code 120335 Immunization requirement for admission

H&S Code 120395 Information about meningococcal disease, including recommendation for vaccination

H&S Code 120440 Disclosure of immunization information

**Approved: November, 2010**

**Revised: October, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5141.31

#### REGULATIONS REGARDING IMMUNIZATIONS

##### Required Immunizations

Upon a student's registration at a Butte County Office of Education school, the County Superintendent or designee shall provide parents/guardians, a written notice summarizing the state's immunization requirements.

The County Superintendent or designee shall not unconditionally admit any student to a Butte County Office of Education elementary or secondary school, preschool, or child care and development program for the first time nor admit or advance any student to grade 7, unless that student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health, against the following diseases:

1. Measles, mumps and rubella
2. Diphtheria, tetanus and pertussis (whooping cough)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the California Department of Public Health

However, full immunization against hepatitis B shall not be a condition by which the County Superintendent or designee shall admit or advance any student to grade 7.

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, Butte County Office of Education schools shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related services required by the student's IEP regardless of whether the student is fully immunized.

School personnel shall record information for each student regarding all doses of required immunizations and the status of all requirements in accordance with 17 CCR 6070. The school records shall be based on the student's immunization record provided by the student's health care provider, from the student's previous school immunization record, or through the California Immunization Registry (CAIR).

##### Exemptions

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. A medical exemption is submitted using the standardized form developed by CDPH and transmitted using CAIR which includes, but is not limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary.

A student who has a medical exemption issued prior to January 1, 2020 shall be allowed to continue enrollment until the next grade span, except that after July 1, 2021, a student may not be admitted or advanced to grade 7 unless the student has been immunized or a medical exemption form filed as stated above.

A temporary exemption shall not exceed one year, and all medical exemptions shall not extend beyond the grade span.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

If a student's medical exemption is revoked by CDPH on the basis that the exemption does not meet applicable criteria for medical exemptions, the student shall continue in attendance and, within 30 calendar days of the revocation, commence the immunization schedule required for conditional admittance pursuant to 17 CCR 6050, as described below.

The student's parent/guardian may appeal a revocation to the Secretary of California Health and Human Services. If a revocation is appealed, the student shall continue in attendance and shall not be required to commence the immunization schedule required for conditional admittance provided the appeal is filed within 30 calendar days of the revocation.

2. The student's parent/guardian filed with the Butte County Office of Education school, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to the student's personal beliefs, in which case the student shall be exempted from the immunization until the student enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12).

When a student transfers to a different Butte County Office of Education school or transfers into a Butte County Office of Education school from another school district in California, the student's personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the Butte County Office of Education shall present a copy of the personal belief's exemption upon enrollment. When a student transfers into a Butte County Office of Education school from outside California and presents a personal belief's exemption issued by another state or country prior to January 1, 2016, the County Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction.

### **Conditional Enrollment**

The County Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that the student has not received all the immunizations required for the student's age group but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission. The County Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035.

In addition, a transfer student may be conditionally admitted for up to 30 school days while the student's immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6035)

The County Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or Butte County Office of Education staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that the student is properly immunized.

The County Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, the student shall be excluded from further attendance until the immunizations are received.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Exclusions Due to Lack of Immunizations**

If an enrolled student who was previously believed to be in compliance with immunization requirements is subsequently discovered to not be in compliance with requirements for unconditional or conditional admission, the County Superintendent or designee shall notify the parent/guardian that evidence of proper immunization or an appropriate exemption must be provided within 10 school days. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any.

The County Superintendent or designee shall exclude from further attendance an enrolled student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until documentation is provided indicating that the student has received a dose of each required vaccine due at that time.

The student shall also be reported to the attendance supervisor or principal.

### **Exclusion Due to Exposure to Disease**

If Butte County Office of Education schools have good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and the student's documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease.

### **Records**

Each student's immunization record shall be retained as part of the student's mandatory permanent student record. Butte County Office of Education staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law.

Butte County Office of Education schools shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

At least annually, the County Superintendent or designee shall file a written report on the immunization status of new students with CDPH and the local department of public health on forms prescribed by CDPH.

### **Audits**

If an audit reveals deficiencies in the Butte County Office of Education schools' reporting procedures, the County Superintendent or designee shall develop a plan to remedy such deficiencies.

### STATE

17 CCR 6000-6075

School attendance immunization requirements - <https://simbli.eboardsolutions.com/SU/YzfyALHtH25cYebUH5ax1Q==>

5 CCR 430 Individual student records; definition

Ed. Code 44871 Qualifications of supervisor of health

Ed. Code 46010 Total days of attendance

Ed. Code 48216 Immunization

Ed. Code 48853.5 Immediate enrollment of foster youth

Ed. Code 48980 Required notification of rights

Ed. Code 49403 Cooperation in control of communicable disease and immunizations

Ed. Code 49426 Duties of school nurses

Ed. Code 49701 Flexibility in enrollment of children of military families



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Ed. Code 51745-51749.6 Independent study

H&S Code 120325-120380 Immunization against communicable diseases

H&S Code 120335 Immunization requirement for admission

H&S Code 120395 Information about meningococcal disease, including recommendation for vaccination

H&S Code 120440 Disclosure of immunization information

### Legal Reference:

#### FEDERAL

20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974

34 CFR 99.1-99.67 Family Educational Rights and Privacy

42 USC 11432 Immediate enrollment of homeless children

**Approved: November, 2010**

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**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5141.33**

#### **HEAD LICE**

The County Superintendent believes the head lice management program should emphasize the correct diagnosis and treatment of head lice in order to minimize disruption of the education process and to reduce the number of student absences resulting from infestation. In consultation with the school nurse, the County Superintendent or designee may establish a routine screening program to help prevent the spread of head lice.

To prevent the spread of head lice infestations, school employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The school nurse, or designee shall examine the student, and if feasible, any siblings of affected students or members of the same household. If a current infestation (live lice or nits within ¼" of the scalp) is identified, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.

The school nurse or designee shall send home the notification required by law for excluded students.

If there are two or more students affected in any class, all students in the class shall be examined, and information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49451 Physical examinations: parent's refusal to consent

**Approved: July, 2006**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5141.33

#### REGULATIONS REGARDING HEAD LICE

School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The school nurse or designee shall examine the student and any siblings of affected students or members of the same household. If a current infestation (live lice or nits within  $\frac{1}{4}$ " of the scalp) is identified, the student shall be excluded and parents/guardians informed about recommended treatment procedures, ways to check the hair, and sources of further information.

The Principal, or designee, shall send home the notification required by law for excluded students.

If there are more than two students affected in any one classroom, all students in the class shall be examined and information about head lice shall be sent home to all parents/guardians in the class.

Excluded students may return to school when they bring a note from the parents/guardians indicating the treatment used and when re-examination by the nurse, or designee, shows that all live lice and nits within  $\frac{1}{4}$ " of the scalp have been removed.

It is necessary that efforts be made to effectively control head lice as soon as it become evident that a student may be infested. In order to keep a simple case of pediculus (head lice) from turning into a widespread problem, there is a need for individuals to work together to eradicate the problem. School and medical personnel must work cooperatively with students and parents/guardians to initiate the steps necessary to treat and eliminate head lice. Classroom teachers should report all suspected infestations to the Principal. Control depends on prompt detection, proper administration, effective treatment, and spread prevention.

The following procedures are to be followed when a student has been found to have head lice:

1. Parents/guardians are to be immediately contacted and the student excluded from school in order to receive proper treatment. Information shall be made available to the parents/guardians, including recommendations for treatment with an anti-lice shampoo, for the student infested and the procedures to be followed to eliminate head lice in the home.
2. Upon re-admittance of the student to school, the parents/guardians shall be obligated to verify that the student received the necessary treatment and recognition that a second treatment is necessary within an eight (8) to ten (10) day period. The student shall be inspected by the school nurse, or designee, to determine the status of the head lice.
3. If the student were again identified as being infested, Procedures 1 and 2 above shall again be followed. In addition, the student, upon returning to school, shall again be inspected by the school nurse, or designee, to determine the status of the head lice. If there is an indication that head lice or nits within  $\frac{1}{4}$ " of the scalp are present, the student shall again be denied admission and Procedures 1-3 will be again followed.
4. If the student were again identified for the third time as having head lice the student shall again be excluded. Prior to re-admission there will be a home visit or a conference held to discuss the procedures to be followed by the parents/guardians to eradicate the head lice problem in the home and to verify that the appropriate shampoo treatment has been administered to the infested student. Upon verification by the school nurse, or designee, the student shall be re-admitted to school.

**Approved: July, 2006**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### EXHIBIT A (SP 5141.33)

#### BUTTE COUNTY OFFICE OF EDUCATION Student Programs & Educational Support

Dear Parents/ Guardians/ Care Providers:

**A case of head lice was found in your child's classroom.**

We need your assistance to control and prevent outbreaks of head lice (pediculosis).

Please examine your child's hair at least once a week for head lice or nits (lice eggs).

**IF LIVE LICE OR DARK NITS ARE FOUND ON CHILDREN AT SCHOOL, THEIR PARENTS/ GUARDIANS WILL BE ASKED TO TAKE THEM HOME FOR TREATMENT. LICE ARE CONTAGIOUS!**

**LOOK FOR THE FOLLOWING SIGNS OF HEAD LICE:**

- Scratching and itching of the scalp may be due to head lice. Head lice are parasites that live on human blood. Each time a louse bites to feed, it injects irritating saliva into the wound which causes itching.
- Head lice are about the size of a freckle, usually brown, or tan in color. They are flat, six legged insects which crawl from person to person. They cannot fly or jump. They are commonly found at the back of the head and neck, and behind the ears.
- Nits (lice eggs) are about the size of a small grain of rice and 'glued' to the hair shaft close to the scalp. They are brown in color when new and white after they hatch.

**IF YOU FIND LIVE LICE OR DARK NITS IN YOUR CHILD'S HAIR:**

- Contact your school nurse.
- Treat your child with a pediculicide (head lice shampoo). You will find several brands at the local drug stores. Ask the pharmacist or your doctor if you are unsure of what to buy. Medi-Cal will pay for some shampoos.
- Comb out each nit (egg). The shampoo does not kill each nit. Under ideal conditions, the nits will hatch within 10 days. Unless they are combed out, you may have a new crop of head lice. Special nit combs are sold at drug stores.
- **Clean all combs, brushes, clothing and bedding.**
- Notify the school so we can check other students who may be infested with head lice.
- Send your child back to school after you have treated your child with a lice shampoo and **combed out the nits.**

**Please take your child to the school nurse or designee for a "head check" before your child returns to the classroom.**

Please contact the school nurse if you need additional information.

**Approved: July, 2006**

**Revised: October, 2016**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5141.4

#### CHILD ABUSE PREVENTION AND REPORTING

The County Superintendent is committed to supporting the safety and well-being of students and desires to facilitate the prevention of and response to child abuse and neglect. The County Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect. The County Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

#### **Child Abuse Prevention**

Butte County Office of Education's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse. The program may also include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/ guardian, the student shall be excused from taking such instruction.

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

#### **Child Abuse Reporting**

The County Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law. Procedures for reporting child abuse shall be included in the comprehensive safety plan. Employees, who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. The County Superintendent or designee shall provide training regarding the duties of mandated reporters.

#### Legal Reference:

##### EDUCATION CODE

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

##### PENAL CODE

- 152.3 Duty to report murder, rape, or lewd or lascivious act
- 273a Willful cruelty or unjustifiable punishment of child; endangering life or health
- 288 Definition of lewd or lascivious act requiring reporting
- 11164-11174.3 Child Abuse and Neglect Reporting Act

##### WELFARE AND INSTITUTIONS CODE

- 15630-15637 Dependent adult abuse reporting

##### CODE OF REGULATIONS, TITLE 5

- 4650 Filing complaints with CDE, special education students

# BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

CODE OF REGULATIONS, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

**Approved: November, 2015**

**Revised: October, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5141.4

### REGULATIONS REGARDING CHILD ABUSE PREVENTION AND REPORTING

#### Definitions

Child abuse or neglect includes the following:

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation
3. Neglect of a child
4. Willful harming or injuring of a child or the endangering of the person or health of a child
5. Unlawful corporal punishment or injury

Child abuse or neglect does not include:

1. A mutual affray between minors
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of their employment
3. An injury resulting from the exercise by a teacher, Vice Principal, Principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student
6. Homelessness or classification as an unaccompanied minor

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed day care facility; Head Start teachers; police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program.

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on their training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect.

#### Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in their professional capacity or within the scope of their employment, they have knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Any Butte County Office of Education employee who reasonably believes that they have observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer.

### **Responsibility for Reporting**

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

Any person not identified as a mandated reporter who has knowledge of or observes a child whom they know or reasonably suspect has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency.

### **When School Employees Are Accused of Child Abuse**

Regardless of who child abusers may be, the major responsibilities of mandated reporters are to:

1. Identify incidents of suspected child abuse
2. Comply with laws requiring reporting of suspected abuse to proper authorities

Determining whether or not the suspected abuse actually occurred is not the responsibility of the school employee. Such determination and follow-up investigation will be made by a child protective agency.

Parents or guardians, or members of the public, accusing school employees of child abuse should be made aware of the ramifications of making false reports and should be provided with information regarding child abuse and child abuse reporting.

As the immediate safety of any child outweighs the need to protect someone's reputation, pending the outcome of an investigation by a child protective agency and prior to the filing of formal charges, the accused employee may be subject to reassignment or a paid leave of absence.

Disciplinary action resulting from the filing of formal charges or upon conviction shall be in accordance with the Butte County Office of Education Superintendent Policy and Regulations and/or collective bargaining agreements. The County Superintendent or designee should consult with legal counsel in implementing either suspension or dismissal.

### **Reporting Procedures**

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department, sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department.

Butte County DESS (Department of Employment and Social Services Children's Services)  
78 Table Mountain Blvd.  
P.O. Box 1649, Oroville, CA 95965  
1-800-400-0902



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

### 2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572).

The Department of Justice form may be obtained from the Butte County Office of Education or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage.

### 3. Internal Reporting

The mandated reporter shall not be required to disclose their identity to their supervisor, the principal, or the County Superintendent or designee.

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the County Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Butte County Superintendent's Policy, and Administrative Regulations. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, Principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

## Training

Within the first six weeks of each school year, the County Superintendent or designee shall provide training on mandated reporting requirements to employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. The County Superintendent or designee shall use the online training module provided by the California Department of Social Services.

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified.

The County Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training.

### **Victim Interviews by Social Services**

Whenever the Department of Social Services or another government agency investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The County Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the Principal or designee shall inform him/her of the following requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school.

### **Release of Child to Peace Officer**

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the County Superintendent or designee and/or Principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. Peace officers will be asked to sign an appropriate 'Transfer of Childcare/Custody' form prior to removal of a student from a school campus or function.

### **Parent/Guardian Complaints**

Upon request, the County Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a Butte County Office of Education employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Notifications**

The County Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations, and their confidentiality rights. The Butte County Office of Education also shall provide these new employees with a copy of the appropriate Penal Codes.

Before beginning employment, any person who will be a mandated reporter by virtue of their position shall sign a statement indicating that they have knowledge of the reporting obligations and will comply with those provisions. The signed statement shall be retained by the County Superintendent or designee.

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures.

The County Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of the mandated reporter's professional capacity or outside the scope of employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.
2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, the mandated reporter may be guilty of a crime punishable by a fine and/or imprisonment. No employee shall be subject to any sanction by the Butte County Office of Education for making a report unless it can be shown that the employee knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.

### Legal References:

#### STATE

- 5 CCR 4650 Filing complaints with CDE, special education students
- Ed. Code 32280-32289 School safety plans
- Ed. Code 33195 Heritage schools, mandated reporters
- Ed. Code 33308.1 Guidelines on procedure for filing child abuse complaints
- Ed. Code 44252 Teacher credentialing
- Ed. Code 44691 Staff development in the detection of child abuse and neglect
- Ed. Code 44807 Duty concerning conduct of students
- Ed. Code 48906 Notification when student released to peace officer
- Ed. Code 48987 Dissemination of reporting guidelines to parents
- Ed. Code 49001 Prohibition of corporal punishment
- Ed. Code 51220.5 Parenting skills education
- Ed. Code 51900.6 Sexual abuse and sexual assault awareness and prevention
- Pen. Code 11164-11174.3 Child Abuse and Neglect Reporting Act
- Pen. Code 152.3 Duty to report murder, rape, or lewd or lascivious act
- Pen. Code 273a Willful cruelty or unjustifiable punishment of child; endangering life or health
- Pen. Code 288 Definition of lewd or lascivious act requiring reporting
- W&I Code 15630-15637 Dependent adult abuse reporting

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### FEDERAL

42 USC 11434a McKinney-Vento Homeless Assistance Act; definitions

**Approved: November, 2015**

**Revised: October, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5141.52

#### SUICIDE PREVENTION

The County Superintendent recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance.

In developing policy and strategies for suicide prevention and intervention, the County Superintendent or designee shall consult with school and community stakeholders such as administrators, other staff, parents/guardians, and students; school-employed mental health professionals such as school counselors, school psychologists, school social workers, and school nurses; suicide prevention experts such as local health agencies, mental health professionals, and community organizations; law enforcement; and, in developing policy for grades K-6, the county mental health plan.

The County Superintendent shall ensure that measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students.

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other Butte County Office of Education employees who interact with students, as described in the accompanying administrative regulation
2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others
3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students
4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the youth suicide problem, the Butte County Office of Education's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

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

The measures and strategies may also address the needs of students with individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe or traumatic stressor or loss, family instability, impulsivity, and other factors. Measures and strategies for students in grades K-6 shall be age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students.

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the County Superintendent or designee shall coordinate and consult with the county mental health plan.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging Butte County Office of Education employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so.

Student identification cards for students in grades 7-12, when issued by the Butte County Office of Education schools, shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number.

The County Superintendent or designee shall review, and update as necessary, this policy at least every five years.

Butte County Office of Education data pertaining to school climate and reports of suicidal ideation, attempts, or death shall be periodically reviewed to identify patterns or trends and make recommendations regarding program development.

This policy shall be posted in a prominent location on the Butte County Office of Education's web site in a manner that is easily accessible to parents/guardian and students.

### Legal Reference:

#### EDUCATION CODE

### Legal Reference:

#### EDUCATION CODE

215 Student suicide prevention policies

215.5 Suicide prevention hotline contact information on student identification cards

216 Suicide prevention online training programs

234.6 Posting suicide prevention policy on web site

32280-32289.5 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

#### GOVERNMENT CODE

810-996.6 Government Claims Act

#### PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

#### WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5886 Children's Mental Health Services Act

#### COURT DECISIONS

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

**Approved: June, 2017**

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**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5141.52

### REGULATIONS REGARDING SUICIDE PREVENTION

#### Staff Development

Suicide prevention training shall be provided to teachers, counselors, and other Butte County Office of Education employees who interact with students. The training shall be offered under the direction of Butte County Office of Education's clinicians/counselors/psychologist and/or in cooperation with one or more community mental health agencies.

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials also may include programs that can be completed through self-review of suitable suicide prevention materials.

Staff development shall include research and information related to the following topics:

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning
2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors
3. Warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a person's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health
6. School and community resources and services, including resources and services that meet the specific needs of high-risk groups
7. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for monitoring the student while the immediate referral of the student to medical or mental health services is being processed
8. Butte County Office of Education procedures for responding after a suicide has occurred

#### Instruction

Butte County Office of Education's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework. Suicide prevention instruction shall be incorporated into the health education curriculum in an age appropriate manner and shall be designed to help students:

1. Identify and analyze signs of depression and self-destructive behaviors in oneself and others and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. Develop coping and resiliency skills and self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Student Identification Cards**

Student identification cards for students in grades 7-12 shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number.

### **Intervention**

Students shall be encouraged to notify a teacher, principal, counselor, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff member shall promptly notify the principal or school counselor, who shall implement intervention protocols as appropriate.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, referenced, or discussed with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment, or to report child abuse and neglect as required by law.

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall receive training that includes identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

When a suicide attempt or threat is reported, the Principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

The Principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

The County Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the County Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the County Superintendent or designee shall consider whether it is necessary, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

For any student returning to school after a mental health crisis, the Principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school.

### **Postvention**

In the event that a student dies by suicide, the County Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

of student record information, the County Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

The County Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. The County Superintendent or designee shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored. School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the County Superintendent, or designated spokesperson, who shall not divulge confidential information. The response shall not sensationalize suicide and shall focus on the post-vention plan and available resources.

After any suicide or attempted suicide by a student, the County Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

**Approved: June, 2017**

**Revised: October, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5142

#### SAFETY

The County Superintendent recognizes the importance of providing a safe school environment that is conducive to learning and promotes student safety and well-being. Appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, and guiding student participation in educational programs and school-sponsored activities.

Additionally, the Superintendent or designee shall regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the processes and procedures related to the protection of the COE's network infrastructure, and the monitoring and response to suspicious and/or threatening digital media content. School staff shall be responsible for the proper supervision of students at all times when students are subject to COE rules, including, but not limited to, during school hours, school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using COE provided transportation. The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety and emergency procedures, as well as injury and disease prevention.

#### **Student Identification Cards and Safety Information**

Student identification cards of students in grades 7-12 shall have printed on them safety information, including the following: (Education Code 215.5) 1. The National Suicide Prevention Lifeline telephone number and, at the district's discretion, the Crisis Text Line and/or a local suicide prevention hotline telephone number 2. The National Domestic Violence Hotline

#### Legal Reference:

##### EDUCATION CODE

7280-17317 Approvals (Field Act)

32001-32034 School Safety – Public and Private Institutions

32040-32044 First Aid Equipment

32050-32051 Hazing Laws

38139 Missing Children: Posting of information in specified areas of public primary and secondary schools

44807 Duty Concerning Conduct of Pupils

44808 Liability when students not on school property

44808.5 Permission for pupils to leave school grounds: notice (high school)

49068.5 Missing Children: Notice; Posting on School Record

49340-49341 Hazardous Materials Education

51202 Instruction in Personal and Public Health and Safety

##### GOVERNMENT CODE

810-996.6 California Tort Claims Act, Especially:

815 Liability for Injuries Generally: Immunity of Public Entity

835 Conditions of Liability

4450-4460 Access to Public Buildings by Physically Handicapped Persons

##### Health and Safety Code

115725-115750 Recreational Safety

115775-115800 Wooden Playground Equipment

##### PENAL CODE

14200-14213 Violent Crime Information Center

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Public Resources Code

5411 Purchase of Equipment Usable by Physically Handicapped Persons

Code of Regulations, Title 5

202 Exclusion of Pupils with A Contagious Disease

5531 Supervision of Extracurricular Activities of Pupils

5552 Playground Supervision

5570 When School Shall Be Open and Teachers Present

14103 Authority of Bus Driver

**Approved: July, 2004**

**Revised: February 2022**

**Revised: September 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5142

#### SAFETY

At each school, the principal or designee shall establish emergency procedures, rules for student conduct, and rules for the safe and appropriate use of school facilities, equipment, and materials, consistent with law, Board policy, and administrative regulation. The rules shall be communicated to students, distributed to parents/guardians, and readily available at the school at all times.

#### Release of Students

Students shall be released during the school day only to the custody of an adult who is one of the following:

1. The student's custodial parent/guardian
2. An adult authorized on the student's emergency card as an individual to whom the student may be released when the custodial parent/guardian cannot be reached, provided the principal or designee verifies the adult's identity
3. An authorized law enforcement officer acting in accordance with law
4. An adult taking the student to emergency medical care at the request of the principal or designee

#### Supervision of Students

School buildings shall open to admit students not less than 30 minutes before the time that school starts, and supervision will be provided by school staff.

Every teacher shall hold students to a strict account for their conduct on the way to and from school, on the playgrounds, and during recess.

The principal or designee shall require all individuals supervising students to remain alert for unauthorized persons and dangerous conditions, and promptly report any unusual incidents to the principal or designee and file a written report as appropriate.

Any certificated or classified employee, or other school official, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, shall immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393.

*Threat or perceived threat* means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual.

Additionally, anyone who receives or learns of a health or safety threat related to school or a school activity is encouraged to report the threat to a school or district administrator. In arranging for appropriate supervision on playgrounds, the principal or designee shall:

1. Clearly identify supervision zones and require all playground supervisors to remain at a location from which they can observe their entire zone of supervision and be observed by students in the supervision zone
2. Consider the size of the playground area, the number of areas that are obstructed from open view, and the age of the students to determine the ratio of playground supervisors to students

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

At any school where playground supervision is not otherwise provided, the principal or designee shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions.

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help prevent problems and resolve conflicts among students. Additionally, all staff and other school officials shall be made aware of their responsibilities regarding the reporting of potential homicidal acts to law enforcement, and receive training in the assessment and reporting of such threats. The training shall be documented and kept on file.

### **Playground Safety**

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. The Superintendent or designee shall have a playground safety inspector certified by the National Playground Safety Institute conduct an initial inspection to aid compliance with applicable safety standards.

### **Events In or Around a Swimming Pool**

When any on-campus event that is not part of an interscholastic athletic program is sponsored or hosted by the district and is to be held in or around a swimming pool, at least one adult with a valid certification of cardiopulmonary resuscitation training shall be present throughout the duration of the event.

### **Laboratory Safety**

The principal of each school offering laboratory work shall develop procedures for laboratory safety and designate a trained certificated employee to regularly review, update, and implement these procedures.

Students in a laboratory shall be under the supervision of a certificated employee. Students shall be taught laboratory safety, and safety guidelines and procedures shall be posted in science classrooms. Students shall receive continual reminders about general and specific hazards.

Hazardous materials shall be properly used, stored, and disposed of in accordance with law and the district's chemical hygiene plan.

Bloodborne pathogens shall be handled in accordance with the LEA's exposure control plan.

The County Office's emergency plan, emergency contact numbers, and first aid supplies shall be readily accessible. Parents/guardians shall be made aware of the kinds of laboratory activities that will be conducted during the school year.

### **Eye Safety Devices**

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed the actual cost to the COE.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### Protection Against Insect Bites

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent provided by their parents/guardians, when engaging in outdoor activities. Any application of insect repellent shall occur under the supervision of school personnel, and in accordance with the manufacturer's directions.

CCR 5531 Supervision of extracurricular activities of students

5 CCR 5552 Playground supervision

5 CCR 5570 When school shall be open and teachers present

5 CCR 570-576 School safety patrols

Ed. Code 17280-17317 Field Act; approval of plans and supervision of construction

Ed. Code 17365-17374 Field Act; fitness for occupancy; liability of board members

Ed. Code 215.5 Student identification cards; safety information

Ed. Code 32001 Fire alarms and drills

Ed. Code 32020 School gates; entrances for emergency vehicles

Ed. Code 32030-32034 Eye safety

Ed. Code 32040 Duty to equip school with first aid kit

Ed. Code 32225-32226 Communications devices in classrooms

Ed. Code 32240-32245 Lead-Safe Schools Protection Act

Ed. Code 32250-32254 CDE School Safety and Security Resource Unit

Ed. Code 32280-32289.5 School safety plans

Ed. Code 35179.6 School-sponsored on-campus event in or around swimming pool Ed. Code 38134 Use of school property

Ed. Code 44807 Teachers' duty concerning conduct of students

Ed. Code 44808 Exemption from liability when students are not on school property

Ed. Code 44808.5 Permission for high school students to leave school grounds; notice

Ed. Code 48900 Grounds for suspension or expulsion

Ed. Code 49330-49335 Injurious objects

Ed. Code 49341 Hazardous materials in school science laboratories

Ed. Code 49390-49395 Homicide threats

Ed. Code 51202 Instruction in personal and public health and safety

Ed. Code 51860 Time and facilities for bicycle and scooter safety instruction

Ed. Code 8482-8484.65 After School Education and Safety Program

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5142.1

#### REGULATIONS REGARDING IDENTIFICATION AND REPORTING OF MISSING CHILDREN

##### **Notices of Missing Children**

Every Butte County Office of Education school shall post in an appropriate area the monthly poster on missing children provided by the Department of Justice (DOJ). For elementary schools, the poster shall be posted in an area restricted to adults.

If a law enforcement agency notifies Butte County Office of Education that a child enrolled in a Butte County Office of Education school has been reported missing, the Principal or designee of the school in which the child is enrolled shall place a notice on the front of the child's school record indicating that the student has been reported missing. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the Principal or designee shall immediately notify the law enforcement agency that informed the school of the missing child's status.

##### **Reporting Missing Children**

Any Butte County Office of Education employee who recognizes a child who has been reported missing through a DOJ notice, an Amber Alert, or other means shall immediately notify law enforcement using the hotline telephone number listed.

In the event that a Butte County Office of Education employee witnesses a child abduction, they shall immediately contact law enforcement and provide the agency with information on the location of the abduction and a description of the victim, the suspect, and any vehicle involved. They shall also notify the County Superintendent or designee who shall implement steps, as needed, to ensure the safety of other students.

##### Legal Reference:

###### EDUCATION CODE

[32390](#) Voluntary program for fingerprinting students

[38139](#) Posting of information about missing children

[48980](#) Parental notification of district programs, rights and responsibilities

[49068.5-49068.6](#) Missing children; transfers

[49370](#) Legislative intent re: reporting of missing children

###### PENAL CODE

[14200-14213](#) Violent crime information center

###### UNITED STATES CODE, TITLE 5

[640-641](#) Student fingerprinting program

**Approved: July, 2011**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5143**

#### **INSURANCE**

The County Superintendent believes that all students should have health and accident insurance protection to ensure that they receive needed health care services in the event of illness or injury.

The County Superintendent or designee shall provide information to students and their parents/guardians about available insurance against injuries occurring during school-related activities, which may include printed matter furnished by the insurer or membership corporation. Parents/guardians shall not be required to enroll their children in insurance programs offered by Butte County Office of Education.

#### **Field Trips/Excursions**

Butte County Office of Education shall offer medical and/or hospital service or insurance protection for students injured while participating in any excursion or field trip under the jurisdiction of, sponsored by, or controlled by Butte County Office of Education.

Parents/guardians choosing to participate in the insurance program offered by Butte County Office of Education shall pay the costs of the medical or hospital service or insurance protection.

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation activities

32220-32224 Insurance for athletic teams

33353.5 Interscholastic federation; insurance program; non-transaction of insurance

35331 Insurance for field trips and excursions

48980 Parental notifications

48985 Notices to parents in language other than English

49470-49474 District medical services and insurance

51760 Insurance, work experience programs

52530 Insurance for healing arts program students

**Approved: November, 2006**

**Revised: February 2022**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5144 DISCIPLINE**

The County Superintendent is committed to providing a safe, supportive and positive school environment which is conducive to student learning and achievement and desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Superintendent believes that high expectations for student behavior, use of effective and positive school and classroom management strategies, full implementation of Positive Behavior Interventions and Supports, and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The County Superintendent shall develop effective, age appropriate strategies for maintaining a positive school climate and correcting student misbehavior at schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of discipline policies and practices.

In addition, the County Superintendent, Associate Superintendent, or designee's strategies for correcting student misconduct shall reflect the County Superintendent's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed.

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with BCOE regulations.

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with BCOE's non-discrimination policies.

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal.

The County Superintendent, Associate Superintendent, or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for BCOE schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong cooperative relationships with parents/guardians.

The safety of students and staff, ensuring that students are maximally engaged in school, and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior, prioritize alternative/other means of correction, when permitted or required, and consistently implement positive behavior strategies. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Staff shall enforce disciplinary rules fairly, consistently and in accordance with the BCOE nondiscrimination policy.

The County Superintendent, Associate Superintendent, or designee shall provide professional development, as necessary, to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for BCOE schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, social-emotional learning and skill-building, de-escalation, restorative practices and conflict resolution strategies, the tools to form strong, cooperative relationships with students and their parents/guardians, and training on bias, including explicit and implicit bias.

BCOE goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the county office's local control and accountability plan, as required by law.

At the beginning of each school year, the Associate Superintendent or designee shall report to the County Superintendent regarding disciplinary strategies used in BCOE schools in the immediately preceding school year and their effect on student learning, attendance, achievement, and school climate.

### Legal Reference:

#### EDUCATION CODE

32280-32289 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49005-49006.4 Seclusion and Restraint

49330-49335 Injurious objects

52060-52077 Local control accountability plan

#### CIVIL CODE

1714.1 Parental liability for child's misconduct

#### CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

#### UNITED STATES CODE, Title 20

1400-1482 Individuals with Disabilities Act

#### UNITED STATES CODE, Title 29

794 Section 504 of the Rehabilitation Act of 1973

#### UNITED STATES CODE, Title 42

17751-1769j School Lunch Program

1773 School Breakfast Program

**Approved: March, 2011**

**Revised: December, 2021**

**Revised: February 2022**

**Revised: October 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5144

### DISCIPLINE

#### Disciplinary Strategies

To the extent possible, staff shall use positive disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff, the student, and the student's parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and the student's parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
11. Recess restriction as provided in the section below entitled "Recess Restriction"
12. Detention after school hours as provided in the section below entitled "Detention After School"
13. Community service as provided in the section below entitled "Community Service"
14. In accordance with Superintendent policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
15. Reassignment to an alternative educational environment

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### 16. Suspension and expulsion in accordance with law, Superintendent policy, and administrative regulation

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the BCOE's nondiscrimination policies. When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation - Suspension And Expulsion/Due Process (Students With Disabilities) shall be applied. If a student has not been identified as a student with a disability and the Superintendent, Associate Superintendent, or designee or the district of residence suspects the behavior that resulted in discipline may be based in an unidentified disability, the proper entity shall conduct an evaluation to determine if the student has a disability which requires an IEP or 504 plan.

Discipline rules and procedures regarding discipline shall be monitored by the County Superintendent, Associate Superintendent, or designee to ensure discipline rules are objective, consistent, and non-discriminatory in application. Rules and procedures regarding discipline shall be age-appropriate, culturally responsive to students of diverse backgrounds, and promote equality and dignity. In developing site-level disciplinary rules, the Principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups:

1. Parents/guardians
2. Teachers
3. School administrators
4. As appropriate, personnel involved in school security
5. For middle and high schools, students enrolled in the school

School rules shall be communicated to students clearly and in age-appropriate manner. It shall be the duty of each employee of the school to enforce the school rules on student discipline.

#### **Recess and Lunch Restriction Prohibited**

A student shall not be required to remain in class during the noon intermission, or during any recess.

School personnel and volunteers cannot allow any disciplinary action against a student that denies or delays a meal.

#### **Detention After School**

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable.

The student shall not be detained unless the principal or designee notifies the parent/guardian.

Students shall remain under the supervision of a certificated employee during the period of detention.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Community Service**

As part of or instead of disciplinary action, the County Superintendent, Associate Superintendent, Principal, or Principal's designee may require a student to perform community service during non-school hours, on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs.

This community service option is not available for a student who has been suspended or pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension.

### **Notice to Parents/Guardians and Students**

At the beginning of the school year, the County Superintendent, Associate Superintendent, or designee shall notify parents/guardians, in writing, about the availability of BCOE rules related to discipline.

The County Superintendent, Associate Superintendent, or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in BCOE schools.

Approved: March, 2011

Revised: December, 2021

Revised: February 2022

Revised October 2023

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5144.1

#### SUSPENSION AND EXPULSION / DUE PROCESS

The County Superintendent desires to provide students access to educational opportunities in an orderly school environment that protects equity, access, and inclusion, and where all students can feel safe and respected. The County Superintendent believes that the intentional development of such an environment will reduce the need for office referrals, suspensions, expulsions, and time that students are excluded from instruction due to behavior.

The County Superintendent is committed to ensuring consistent and equitable implementation of research-based alternatives to punitive discipline and to using exclusionary discipline as a last resort after exhaustion of alternatives. Such research-based alternatives will focus on a continuum of both prevention and evidence-based responses including

1. positive behavioral strategies,
2. restorative practices, and
3. other SEL (social emotional learning) skill building practices.

With support from the BCOE, school staff will work with the students who exhibit social behavioral issues, and their families to ensure that the students remain maximally engaged in the educational program and are given every opportunity to reach their potential by not limiting their instructional and engagement opportunities.

To accomplish these goals, the County Superintendent shall adopt rules and regulations:

1. providing for ongoing data analysis to ensure
  - a. such other means of correction/alternatives are implemented, evaluated, improved upon and
  - b. discipline is administered without regard to any protected characteristic; and
  - c. implementation of a positive behavior intervention system that is culturally sensitive and fair and equitable disciplinary processes and
  - d. development of procedures for addressing violations.
2. to ensure training in and implementation of social-emotional learning, restorative practices, and conflict resolution and academic tiers of supports, also known as Multi-Tiered Systems of Support, that build strong, authentic relationships between students and staff and foster teacher confidence and student understanding and achievement.
3. setting the standards of behavior expected of students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any BCOE school or program, or another school district, regardless of when it occurs, including, but not limited to, 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 school campus
4. During, going to, or coming from a school-sponsored activity

BCOE staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the BCOE's nondiscrimination policies.

### **Appropriate Use of Suspension Authority**

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when the appropriate interventions and supports and other means of correction/alternatives have been exhausted, documented, and have failed to bring about the proper conduct, and only when the County Superintendent, Associate Superintendent, or designee determines the conduct is consistent with conduct delineated in Education Code section 48900.

**Notification of Suspension/Expulsion** A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student shall be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

### **On-Campus Suspension**

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the County Superintendent, Associate Superintendent, or designee shall establish a supervised suspension classroom at the school site which meets the requirements of law and the accompanying regulation.

Supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct.

### **Authority to Expel**

A student may be expelled only by the Butte County Superintendent of Schools.

As required by law, the Associate Superintendent or Principal shall recommend expulsion and the County Superintendent shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds:

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, the Associate Superintendent, designee, or Principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the County Superintendent shall order the student expelled only if it makes a finding of either or both of the following:

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

The County Superintendent may suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation.

No student shall be expelled for disruption or willful defiance.

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 – Preschool/Early Childhood Education.

### **Due Process**

The County Superintendent shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The County Superintendent, Associate Superintendent, or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation.

### **Maintenance and Monitoring of Outcome Data**

The Associate Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code [48900.8](#) and [48916.1](#), including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, and actions taken, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Butte County Board of Education annually and to the California Department of Education when so required.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Butte County Board of Education shall address any identified disparities in the imposition of student discipline and shall determine whether and how the BCOE school(s) is/are meeting goals for improving school climate as specified in the local control and accountability plan.



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### Legal Reference:

#### EDUCATION CODE

[212.5](#) Sexual harassment

[233](#) Hate violence

[1981-1981.5](#) Enrollment of students in community school

[8239.1](#) Prohibition against expulsion of preschool student

[17292.5](#) Program for expelled students

[32261](#) Interagency School Safety Demonstration Act of 1985

[35145](#) Open board meetings

[35146](#) Closed sessions (regarding suspensions)

[35291](#) Rules (for government and discipline of schools)

[35291.5](#) Rules and procedures on school discipline

[48645.5](#) Readmission; contact with juvenile justice system

[48660-48666](#) Community day schools

[48853.5](#) Foster youth

[48900-48927](#) Suspension and expulsion

[48950](#) Speech and other communication

[48980](#) Parental notifications

[49073-49079](#) Privacy of student records

[52052](#) Numerically significant student subgroups

[52060-52077](#) Local control and accountability plan

[64000-64001](#) Consolidated application

#### UNITED STATES CODE, TITLE 18

921 Definitions, firearm

#### UNITED STATES CODE, TITLE 20

[1415](#)(K) Placement in alternative educational setting

7961 Gun-free schools

#### UNITED STATES CODE, TITLE 42

[11432-11435](#) Education of homeless children and youths

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**Revised: February 2022**

**Revised: October 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5144.1

### REGULATIONS REGARDING SUSPENSION AND EXPULSION / DUE PROCESS

#### Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following:

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the County Superintendent for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the Principal or designee as provided in Education Code [48910](#). Removal from a particular class shall not occur more than once every five school days.

*Expulsion* means removal of a student from the immediate supervision and control, or the general supervision, of school personnel.

#### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion.

#### Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code [11053-11058](#), alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code [11053-11058](#), alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing their own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code [11014.5](#).
11. Knowingly received stolen school property or private property.
12. Possessed an imitation firearm.  
*Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
13. Committed or attempted to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committed a sexual battery as defined in Penal Code [243.4](#).
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
16. Engaged in, or attempted to engage in, hazing.  
*Hazing* means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.
17. Engaged in an act of bullying.  
*Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or their property; cause the student to experience a substantially detrimental effect on their physical or mental health; or cause the student to experience substantial interferences with her/his academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

*Bullying* includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below under "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

*Bullying* also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to

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another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. 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.

*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:

- a. A message, text, sound, video, or image
- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

*Reasonable student* means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with their disability.

*Burn page* means an internet web site created for the purpose of causing a reasonable student any of the effects of bullying described above.

*Credible impersonation* means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.

*False profile* means a profile of a fictitious student or profile using the likeness or attributes of an actual student other than the student who created the false profile.

An electronic act is not considered pervasive conduct solely on the basis that it has been transmitted to the internet or is currently posted on the internet.

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31.
19. Made terrorist threats against school officials and/or school property.  
*A terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying out the crime.

### **Additional Grounds for Suspension and Expulsion: Grades 4-12**

1. A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that the student: Committed sexual harassment as defined in Education Code 212.5  
*Sexual harassment* means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment.
2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233.

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*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics.

3. Intentionally engaged in harassment, threats, or intimidation against BCOE personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment.

### **Additional Grounds for Suspension and Expulsion: Grades 9-12**

Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

### **Suspension from Class by a Teacher**

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as Items #1-19 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8.

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, the student shall be appropriately supervised during the class periods from which the student has been suspended.

As soon as possible after the teacher decides to suspend the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests.

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee.

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which the student was suspended.

A teacher may also refer a student, for any of the acts specified above in Education Code 48900, to the principal or designee for consideration of a suspension from school.

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal.

### **Suspension by Superintendent, Associate Superintendent, Principal, or Principal's Designee**

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary

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designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, Associate Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity away from school to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required.

The Superintendent, Associate Superintendent, principal, or designee may impose a suspension for a first offense if it is determined that the student violated any of Items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons.

For all other offenses, a student may be suspended only when the Superintendent, Associate Superintendent, principal or designee has determined that other means of correction have failed to bring about proper conduct.

When other means of correction are implemented prior to imposing suspension upon a student, including supervised suspension, the Superintendent, Associate Superintendent, designee, or principal, shall document the other means of correction used and retain the documentation in the student's record.

### **Length of Suspension**

The Superintendent, Associate Superintendent, or principal, or designee may suspend a student from school for not more than five consecutive school days.

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The BCOE may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year.

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion.

### **Due Process Procedures for Suspension**

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, Associate Superintendent, or principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence in the student's defense.
2. This conference may be omitted if the Superintendent, Associate Superintendent, or principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, the student, the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, shall be notified of the student's right to a conference and the right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives

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the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school for the conference.

3. Administrative Actions: All requests for student suspension are to be processed by the Associate Superintendent, principal, or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent, Associate Superintendent, principal, or designee.
4. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, and, if applicable, the county social worker, in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian, or, if applicable, the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, the county social worker, shall also be notified in writing of the suspension.

This notice shall state the specific offense committed by the student.

5. In addition, the notice may state the date and time when the student may return to school.
6. Parent/Guardian Conference: Whenever a student is suspended, school officials may conduct a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter.  
If school officials request to meet with the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, the notice may state that the law requires such individuals to respond to the request without delay. However, the student shall not be penalized for the failure of the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, to attend such a conference. The student may not be denied reinstatement solely because such individuals failed to attend the conference.
7. Extension of Suspension: If the Superintendent, Associate Superintendent, or designee is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent, Associate Superintendent, or designee may, in writing, extend the suspension until such time as the County Superintendent has made a final decision, provided the following requirements are followed:
  - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
  - b. The Superintendent, Associate Superintendent, or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.
  - c. If the student involved is a foster youth or Indian child, the Superintendent, Associate Superintendent, or designee shall notify the district's educational liaison of the need to invite the foster youth's educational rights holder, attorney and county social worker, or the Indian child's tribal social worker or, if applicable, the county social worker, to attend the meeting.

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- d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students.
- e. In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.

### **Suspension by the County Superintendent**

The County Superintendent may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K- 12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above.

The County Superintendent may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915.

When the Superintendent, Associate Superintendent, or designee is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, any meeting shall be closed to the public if a public meeting would lead to disclosure of information that would violate a student's right to privacy under Education Code 49073-49079.

The Superintendent, Associate Superintendent, or designee shall provide the student and parent/guardian with written notice of the meeting closed to the public by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Superintendent, Associate Superintendent, or designee notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in a closed meeting.

### **On-Campus Suspension**

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply:

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the Superintendent, Associate Superintendent, or principal or designee shall notify the student's parent/guardian, or if the student is a foster youth, the foster youth's



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educational rights holder, attorney, and county social worker, or, if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing.

### **Associate Superintendent or Principal's Authority to Recommend Expulsion**

Unless the Associate Superintendent or principal determines that expulsion should not be recommended under the circumstances, or that an alternative means of correction would address the conduct, the Associate Superintendent or principal shall recommend a student's expulsion for any of the following acts:

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11059, except for:
  - a. The first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
  - b. The student's possession of over-the-counter medication for use by the student for medical purposes
  - c. Medication prescribed for the student by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee. In determining whether to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time.

### **Student's Right to Expulsion Hearing**

Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Associate Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation.

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Superintendent's or Associate Superintendent's discretion.

If the BCOE finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Associate Superintendent, principal, or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

If the Associate Superintendent or principal finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

### **Stipulated Expulsion**

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After a determination that a student has committed an offense for which the student may be expelled, the Associate Superintendent, principal, or designee shall offer the student, the student's parent/guardian, or, when applicable, other person holding the right to make educational decisions for the student, the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after written notice of the expulsion hearing pursuant to Education Code 48918 has been given. The stipulation agreement shall be in writing and shall be signed by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the final expulsion order to the County Board of Education, and to consult legal counsel. A stipulated expulsion agreed to by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student, shall be effective upon approval by the Superintendent.

### **Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. Whenever the Associate Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, they shall give the complaining witness a copy of BCOE's suspension and expulsion policy and regulation and shall advise the witness of their right to:

1. Receive five days' notice of their scheduled testimony at the hearing
2. Have up to two adult support persons of their choosing present at the hearing at the time they testify
3. Have a closed hearing during the time they testify

Whenever any allegation of sexual assault or sexual battery is made, the Associate Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending.

### **Written Notice of the Expulsion Hearing**

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, to provide information about the student's status in BCOE schools to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code [48915](#)(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non-attorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

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Non-attorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

### **Additional Notice of Expulsion Hearing for Foster Youth, Homeless Students, and Indian Children**

If the student facing expulsion is a foster student or Indian child, the Associate Superintendent or designee shall also send notice of the hearing to the foster youth's educational rights holder, attorney and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker at least 10 days prior to the hearing.

If the student facing expulsion is a homeless student, the Associate Superintendent or designee shall also send notice of the hearing to the liaison for homeless students at least 10 calendar days prior to the hearing.

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call.

### **Conduct of Expulsion Hearing**

1. **Closed Session:** A hearing to consider the expulsion of the student shall be held in a meeting closed to the public unless the student requests in writing at least five days prior to the meeting that the meeting be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.
2. Whether the expulsion hearing is held in closed or public session, the administrative hearing panel may meet in a closed meeting to deliberate and determine whether or not the student should be expelled. If the administrative hearing panel admits any other person to this closed meeting, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed meeting.

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have their testimony heard in a meeting closed to the public when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television.

3. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.
4. **Subpoenas:** Before commencing a student expulsion hearing, the County Superintendent or designee may issue subpoenas, at the request of either the student or the Associate Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Associate Superintendent or

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administrative panel may issue such subpoenas at the request of the student or the Associate Superintendent or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure [1985-1985.2](#) and enforced in accordance with Government Code [11455.20](#).

Any objection raised by the student or the Associate Superintendent or designee to the issuance of subpoenas may be considered by the County Superintendent if so requested by the student, before the meeting.

The County Superintendent's decision in response to such an objection shall be final and binding.

If the County Superintendent determines, or if the administrative panel finds, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration in item #6 below.

5. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the County Superintendent to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above.
6. Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

7. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student:
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during their testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom they find is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code [868.5](#).
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the administrative panel conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be

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entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, BCOE shall provide a nonthreatening environment.
  - h. BCOE shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
    - i. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which they may leave the hearing room.
    - ii. The administrative panel conducting the hearing may:
      - 1. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
      - 2. Limit the time for taking the testimony of a complaining witness to the hours they are normally in school, if there is no good cause to take the testimony during other hours
      - 3. Permit one of the support persons to accompany the complaining witness to the witness stand
1. Decision: The County Superintendent's final decision on whether to expel a student shall be made within 40 school days after student is removed from school, unless the student requests in writing that the decision be postponed.

### **Expulsion Hearing: Administrative Panel**

The County Superintendent may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be on the staff of the school in which the student is enrolled.

A hearing conducted administrative panel shall conform to the same procedures applicable to a hearing conducted by the County Superintendent, as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests the decisions to be postponed.

The administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the County Superintendent. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the Student's parent/guardian.

Before the student's placement decision is made by their parent/guardian, the Associate Superintendent or principal shall consult with the parent/guardian and County staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the

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student's expulsion recommendation was made. The Associate Superintendent's or administrative panel's decision to not recommend expulsion shall be final.

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the County Superintendent. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The County Superintendent may accept the recommendation based either upon a review of the findings of fact and recommendations submitted, or upon the results of any supplementary hearing the County Superintendent may order.

In accordance with the BCOE Superintendent's Policy, the administrative panel may recommend that the County Superintendent suspend the enforcement of the expulsion. If the administrative panel recommends that the County Superintendent expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made, until the County Superintendent has ruled on the recommendation.

The County Superintendent shall make its final decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed.

### **Final Action To Expel by the County Superintendent**

After the initial decision by the administrative panel, the Associate Superintendent shall transfer the decision of the administrative panel, the record and all evidence in the record, to the office of the County Superintendent for a final decision.

The County Superintendent's decision shall be final. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the County Superintendent shall set a date when the student shall be reviewed for readmission to school. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the County Superintendent may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the County Superintendent shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred.

At the time of the final expulsion order, the County Superintendent or designee shall recommend a plan for the student's rehabilitation, which may include:

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.

### **Written Notice to Expel**

The Superintendent, Associate Superintendent, or designee shall send written notice of the County Superintendent's final decision to expel to the student or parent/guardian. This notice shall include the following:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12"
2. The fact that a description of readmission procedures will be made available to the student and their parent/guardian
3. Notice of the right to appeal the expulsion to the County Board of Education
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling LEA, pursuant to Education Code 48915.1

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Decision to Suspend Expulsion Order**

In accordance with the BCOE Superintendent's Policy, when deciding whether to suspend the enforcement of an expulsion, the County Superintendent shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and their willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The County Superintendent may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked if the student commits any of the acts listed above or violates any BCOE Superintendent's Policies or Administrative Regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student is expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the County Superintendent shall reinstate the student in a BCOE school. Upon reinstatement, the County Superintendent may order the expunging of any or all records of the expulsion proceedings.
6. The County Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the Butte County Board of Education, the alternative educational placement to be provided to the student during the time of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's expulsion status.
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the Butte County Board of Education.



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Appeal**

If the final decision of the County Superintendent is to expel the student the student or parent/guardian is entitled pursuant to Education Code section 48919, et seq., to file an appeal of the County Superintendent's decision with the Butte County Board of Education. The appeal must be filed within 30 days of the County Superintendent's decision to expel, even if the expulsion action is suspended and the student is placed on probation.

The student shall submit a written request for a copy of the written transcripts and supporting documents from the BCOE simultaneously with the filing of the notice of appeal with the BCOE. The BCOE shall provide the student with these documents within 10 school days following the student's written request.

### **Notification to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the Superintendent, Associate Superintendent, Principal, or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault, which may have violated Penal Code 245.

The Superintendent, Associate Superintendent, Principal, or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10.

Within one school day after a student's suspension or expulsion, the Superintendent, Associate Superintendent, Principal, or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind.

### **Placement During Expulsion**

The County Superintendent shall refer expelled students to a program of study that is:

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension or expulsion

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12: and items #1-3 under "Additional Grounds for suspension and Expulsion: Grades 4-12" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12.

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Readmission After Expulsion**

Prior to the date set by the County Superintendent for the student's readmission:

1. The Associate Superintendent or designee shall hold a conference with the parent/guardian and the student, or other person holding the right to make educational decisions for the student, and the student. At the conference the student's rehabilitation plan shall be reviewed and the Associate Superintendent or designee shall verify that the provisions of this plan have been met. BCOE Administrative Regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Associate Superintendent or designee shall transmit to the County Superintendent their recommendation regarding readmission. The County Superintendent shall consider this recommendation.
3. If the readmission is granted, the Associate Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the County Superintendent's decision regarding readmission.
4. The County Superintendent may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other students or employees.
5. If the County Superintendent denies the readmission of a student, the County Superintendent shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The County Superintendent or designee shall provide written notice to the expelled student and parent/guardian, or other person holding the right to make educational decisions for the student, describing the reasons for denying re-admittance into the regular program. This notice shall indicate the County Superintendent's determination the educational program which the County Superintendent has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district.

No student shall be denied readmission into BCOE schools based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system.

### **Maintenance of Records**

The Associate Superintendent shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by that school.

The Associate Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from BCOE schools.

**Approved: March, 2010**

**Revised: December, 2021**

**Revised: February 2022**

**Revised September 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5144.2

#### REGULATIONS REGARDING SUSPENSION AND EXPULSION / DUE PROCESS (STUDENTS WITH DISABILITIES)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act is subject to the same grounds for suspension and expulsion which apply to students without disabilities, except as otherwise specified below.

Suspension or expulsion of a student with disabilities shall be in accordance with Superintendent Policy 5144.1 – Suspension and Expulsion/Due Process and this administrative regulation.

When a student with disabilities exhibits behavior which impedes the student's own learning or that of others, the student's individualized education program (IEP) team shall consider positive behavioral interventions and supports, and other strategies, to address the behavior.

#### **Suspension**

The Superintendent, Associate Superintendent, or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 cumulative school days in a school year as long as the pattern of suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536.

The Superintendent, Associate Superintendent, or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from the student's current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances:

1. The removal is for more than 10 consecutive school days
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year
  - b. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another

If a student's removal is determined to be a change of placement as specified in Items #1-2 above, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in the student's IEP, and to address the student's behavior violation so that it does not recur.

If the IEP of a student with a disability requires the BCOE or local district of residence to provide the student with transportation, the BCOE or local district or residence shall provide the student with an alternative form of transportation at no cost to the student or the student's parent/guardian when, as a result of a suspension, the student is excluded from school bus transportation.

The Superintendent, Associate Superintendent, principal, or designee shall monitor the number of days, including portions of days, in which a student with an IEP has been suspended during the school year.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Interim Alternative Educational Placement Due to Dangerous Behavior**

BCOE may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function:

1. Carries or possesses a weapon
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance
4. Inflicts serious bodily injury upon another person

The student's interim alternative educational setting shall be determined by their IEP team.

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.

A student who has been removed from their current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in their IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

### **Manifestation Determination**

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the student code of conduct:

1. **Notice:** On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice. If the student is a foster youth, the notice shall be given to the student's educational rights holder, attorney, and county social worker, and, if the student is an Indian child, the student's tribal social worker and, if applicable, county social worker.
2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. If the student is a foster youth or Indian child, the foster youth's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, shall be invited to participate in the manifestation determination review.

At the manifestation determination review, BCOE, the student's parent/guardian, and relevant members of the IEP team (as determined by BCOE and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following:

- a. Caused by or had a direct and substantial relationship to the student's disability

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

- b. A direct result of BCOE's failure to implement the student's IEP, in which case BCOE shall take immediate steps shall be taken to remedy those deficiencies

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability.

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior.

The student shall be returned to the placement from which they were removed, unless the parent/guardian, Superintendent, , and/or BCOE agree to a change of placement as part of the modification of the behavioral intervention plan.

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of the disability, , the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable the student to participate in the general education curriculum in another setting and to allow the student to progress toward meeting the goals set out in the IEP.

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

### **Due Process Appeals**

If the parent/guardian disagrees with any BCOE decision regarding placement, they may appeal the decision by requesting a hearing. BCOE may request a hearing if they believe that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 C.F.R. §§ 300.508, and 300.508[a] and [b].

Whenever a hearing is requested as specified above, the parent/guardian, local district, and/or BCOE shall have an opportunity for an expedited due process hearing consistent with requirement specified in 34 C.F.R. §§ 300.507, 300.508 [a]-[c], and 300.510-300.514.

If the student's parent/guardian or BCOE has initiated a due process hearing, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and BCOE agree otherwise.

### **Readmission**

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

### **Decision Not to Enforce Expulsion Order**

The Superintendent's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students.

### **Notification to Law Enforcement Authorities**

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 – Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that the student's information or records will not be disclosed to any other person without the prior written consent of the student's parent/guardian.

### **Report to County Superintendent of Schools**

The Associate Superintendent or designee shall report to the County Superintendent when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action.

### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been determined to be eligible for special education and related services and who has violated the BCOE's or local district of residence's Code of Student Conduct may nevertheless assert any of the protections under IDEA, if the BCOE's or local district of residence had knowledge of the student's disability.

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred:

1. The parent/guardian in writing has expressed concern to supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education.
3. The teacher of the student or other personnel has expressed specific concerns directly to the Director of Special Education or to other supervisory personnel about a pattern of behavior demonstrated by the student.

BCOE would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the BCOE's or local district of residence determined that the student was not an individual with a disability. When BCOE is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by BCOE or school authorities.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by BCOE or school authorities.

The Associate Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement.

The Associate Superintendent, Principal, or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The BCOE shall determine, on a case-by-case basis, whether a pattern of removals of a student from their current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances:

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to their behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified above, the student's IEP team shall determine the appropriate educational services.

**Approved: March, 2010**

**Revised: October, 2018**

**Revised: February 2022**

**Revised: September, 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5145.1**

#### **PRIVACY**

The County Superintendent recognizes that personal beliefs are a private matter. Without the written notice and written consent of a parent/guardian, no student shall be given any test, survey, questionnaire or examination containing questions about personal or family beliefs or practices in sex, family, life, morality, or religion.

As required by law, school or program counselors shall respect the confidentiality of any personal information disclosed by students 12 years of age or older during the course of educational counseling. Personal information given to a counselor by the parent/guardian of a student 12 or older shall also be kept confidential and included in the student's record only with the parent/guardian's written consent. Exceptions shall be made only as provided by law.

Legal Reference:

EDUCATION CODE

49602 Confidentiality of pupil information

51513 Materials containing questions about beliefs or practices in sex, family life, morality and religion

**Approved: July, 2004**

**Revised: February 2022**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5145.2

#### FREEDOM OF SPEECH/EXPRESSION

The County Superintendent believes that free inquiry and exchange of ideas are essential parts of a democratic education. The County Superintendent respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

##### **On-Campus Expression**

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications.

Student expression on the Butte County Office of Education or school Internet web sites and online media shall generally be afforded the same protections as in print media.

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation.

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law.

The County Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected.

##### **Off-Campus Expression**

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The County Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

Legal Reference:

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

**Approved: November, 2007**

**Reviewed: May, 2021**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5145.3

#### NON-DISCRIMINATION/HARASSMENT AND INTIMIDATION

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a BCOE school or program, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the COE.

The County Superintendent desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to opportunities in academic, extracurricular, and other educational support programs, services, and activities. The Superintendent prohibits, at all school or school activities, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, 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 association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a nondiscriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

The Superintendent also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and 2 Policy Reference Disclaimer: complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

### **Record-Keeping**

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in COE schools.

#### Legal Reference:

##### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

##### PENAL CODE

422.55 definition of hate crime

422.6 Crimes, harassment

##### 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 of the Education Amendments of 1972

##### UNITED STATES CODE, TITLE 42

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

2000d – 2000e 17 Title VI and Title VII Civil Rights Act of 1962, as amended

2000h -2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

**Approved: March 2010**

**Revised: December 2021**

**Revised: February 2022**

**Revised: April 2024**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5145.3

#### REGULATION REGARDING NON-DISCRIMINATION/HARASSMENT AND INTIMIDATION

The Butte County Office of Education designates the individual(s) identified below as the employee(s) responsible for coordinating the effort to comply with applicable state and federal civil rights laws and to answer inquiries regarding the nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at:

Mikeial Williamson  
Assistant Superintendent, Human Resources  
1859 Bird Street  
Orville, CA 95965  
(530) 532-5650

#### Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at BCOE schools or in school activities and to ensure equal access of all students to the educational program, the County Superintendent or designee shall implement the following measures:

1. Publicize the BCOE nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through Butte County Office of Education supported communications
2. Post policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all references described in Education Code 234.6 as possible forums for social media, in a prominent location on the BCOE web site in a manner that is easily accessible to parents/guardians and students
2. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the BCOE web site in a manner that is easily accessible to parents/guardians and students
3. Post in a prominent location on the Butte County Office of Education web site in a manner that is easily accessible to parents/guardians and student information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following:
  - a. The name and contact information of the Title IX Coordinator, including the phone number and email address
  - b. The rights of students and the public and the responsibilities of the Butte County Office of Education under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
  - c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
    - i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

- ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
  - iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
- d. A link to the Title IX information included on the California Department of Education's (CDE) web site
5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the web site in a manner that is easily accessible to parents/guardians and students.
6. Provide to students a handbook that contains age-appropriate information that clearly describes the nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
7. Annually notify all students and parents/guardians of the nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the Butte County Office of Education will address any individual student's interests and concerns in private.
8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the Butte County Office of Education nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.  
If 15 percent or more of students enrolled in a particular school speak a single primary language other than English, the policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the Butte County Office of Education shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the Butte County Office of Education may use to provide a discrimination-free environment for all students.
10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so.
11. At the beginning of each school year, inform each principal or designee of the BCOE/school responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

### **Enforcement of Superintendent Policy**

The County Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

3. Disseminating and/or summarizing the policy and regulation regarding unlawful discrimination
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of superintendent policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in Superintendent Policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint. Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint. Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so.

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination. Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

### **Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students**

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth.

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary student means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether or not the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender. Transgender student means a student whose gender identity is different from the gender assigned at birth.

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The Butte County Office of Education prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The BCOE uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender, and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the Butte County Office of Education of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that intersex, nonbinary, transgender, and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Superintendent Policy, the Butte County Office of Education shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's intersex, nonbinary, transgender, or gender-nonconforming status is the student's private information. The Butte County Office of Education shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record. Private student information shall only be disclosed to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the Butte County Office of Education has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. The Butte County Office of Education shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the Associate Superintendent, or designee, pursuant to 34 CFR 99.31. Any employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to an employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation and shall inform the student that honoring the student's request may limit the school's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender, or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The Butte County Office of Education shall offer available support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the intersex, nonbinary, transgender, or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the school maintains sex-segregated facilities, such as restrooms, or offers sex-segregated programs and activities, such as physical education classes, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the schools shall offer available options such as a gender-neutral or single-use restroom or changing area and/or a bathroom stall with a door. However, the school shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
5. **Student Records:** Upon each student's enrollment, the Butte County Office of Education is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.

A student's legal name as entered on the mandatory student record, required pursuant to 5 CCR 432, shall only be changed with proper documentation. A student's gender as entered on the student's official record

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

6. Names and Pronouns: If a student so chooses, BCOE personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official record. However, inadvertent slips or honest mistakes by personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying policy.
7. Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

### Legal References:

#### STATE

5 CCR 432 Student records

5 CCR 4600-4670 Uniform complaint procedures

5 CCR 4900-4965 Nondiscrimination in elementary and secondary education programs

Civ. Code 1714.1 Liability of parent or guardian for act of willful misconduct by a minor -

<https://simbli.eboardsolutions.com/SU/NSknepFduiYWusJFnU3r9Q==>

Ed. Code 200-262.4 Educational equity; prohibition of discrimination on the basis of sex -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 48900.3 Suspension or expulsion for act of hate violence

Ed. Code 48900.4 Suspension or expulsion for threats or harassment

Ed. Code 48904 Liability of parent/guardian for willful student misconduct

Ed. Code 48907 Exercise of free expression; rules and regulations

Ed. Code 48950 Speech and other communication

Ed. Code 48985 Translation of notices

Ed. Code 49020-49023 Athletic programs

Ed. Code 49060-49079 Student records

Ed. code 49060-49079 Student records

Ed. Code 51500 Prohibited instruction or activity

Ed. Code 51501 Prohibited means of instruction

Ed. Code 60044 Prohibited instructional materials

Gov. Code 11135 Nondiscrimination in programs or activities funded by state

Pen. Code 422.55 Definition of hate crime

Pen. Code 422.6 Civil rights; crimes

#### FEDERAL

20 USC 1681-1688 Title IX of the Education Amendments of 1972

28 CFR 35.107 Nondiscrimination on basis of disability; complaints

29 USC 794 Rehabilitation Act of 1973, Section 504

34 CFR 100.3 Prohibition of discrimination on basis of race, color or national origin

34 CFR 104.7 Designation of responsible employee for Section 504

34 CFR 104.8 Notice

34 CFR 106.8 Designation of responsible employee for Title IX

34 CFR 106.9 Notification of nondiscrimination on basis of sex

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

34 CFR 110.25 Prohibition of discrimination based on age

34 CFR 99.31 Disclosure of personally identifiable information

42 USC 12101-12213 Title II equal opportunity for individuals with disabilities

42 USC 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

42 USC 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

42 USC 6101-6107 Age Discrimination Act of 1975

**Approved: December, 2021**

**Revised: February, 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5145.6

#### PARENT AND GUARDIAN NOTIFICATIONS

The County Superintendent desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The County Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote parental understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the County Office of Education for written communication with parents/guardians.

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur.

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld.

Notifications shall be presented in an understandable and uniform format, and to the extent practicable, in a language that the parents/guardians can understand.

When necessary, the district shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large font, or audio recordings, to enable such individuals to effectively participate in any program, service, or activity, as required by law.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language.

Whenever an employee learns that a student's parent/guardian is unable to understand the printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

#### Legal Reference:

STATE

5 CCR 432 Student records

5 CCR 4600-4670 Uniform complaint procedures

5 CCR 4900-4965 Nondiscrimination in elementary and secondary education programs

Civ. Code 1714.1 Liability of parent or guardian for act of willful misconduct by a minor -

<https://simbli.eboardsolutions.com/SU/NSknepfduiYWusJFnU3r9Q==>

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Ed. Code 200-262.4 Educational equity; prohibition of discrimination on the basis of sex -  
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>  
Ed. Code 48900.3 Suspension or expulsion for act of hate violence  
Ed. Code 48900.4 Suspension or expulsion for threats or harassment  
Ed. Code 48904 Liability of parent/guardian for willful student misconduct  
Ed. Code 48907 Exercise of free expression; rules and regulations  
Ed. Code 48950 Speech and other communication  
Ed. Code 48985 Translation of notices  
Ed. Code 49020-49023 Athletic programs  
Ed. Code 49060-49079 Student records  
Ed. code 49060-49079 Student records  
Ed. Code 51500 Prohibited instruction or activity  
Ed. Code 51501 Prohibited means of instruction  
Ed. Code 60044 Prohibited instructional materials  
Gov. Code 11135 Nondiscrimination in programs or activities funded by state  
Pen. Code 422.55 Definition of hate crime  
Pen. Code 422.6 Civil rights; crimes

## FEDERAL

20 USC 1681-1688 Title IX of the Education Amendments of 1972  
28 CFR 35.107 Nondiscrimination on basis of disability; complaints  
29 USC 794 Rehabilitation Act of 1973, Section 504  
34 CFR 100.3 Prohibition of discrimination on basis of race, color or national origin  
34 CFR 104.7 Designation of responsible employee for Section 504  
34 CFR 104.8 Notice  
34 CFR 106.8 Designation of responsible employee for Title IX  
34 CFR 106.9 Notification of nondiscrimination on basis of sex  
34 CFR 110.25 Prohibition of discrimination based on age  
34 CFR 99.31 Disclosure of personally identifiable information  
42 USC 12101-12213 Title II equal opportunity for individuals with disabilities  
42 USC 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
42 USC 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
42 USC 6101-6107 Age Discrimination Act of 1975

**Approved: July, 2005**

**Revised: December, 2021**

**Revised: February, 2022**

**Revised: October 2023**

# 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
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

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **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:

Assistant Superintendent, 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



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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
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

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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](#).

**Approved: March, 2009**

**Revised: December, 2021**

**Revised: February, 2022**

# 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 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.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

# BUTTE COUNTY OFFICE OF EDUCATION

## 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
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

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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
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:

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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

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

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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**



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5145.9

#### **HATE-MOTIVATED BEHAVIOR**

The County Superintendent is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, 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. Hate-motivated behavior may be addressed with strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and timely respond to such incidents when they occur.

The County Superintendent supports collaboration with regional programs and community organizations to promote an environment where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts. Students shall be provided with age-appropriate instruction that:

1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society
3. Explains the harm and dangers of explicit and implicit biases
4. Discourages discriminatory attitudes and practices
5. Provides strategies to manage conflicts constructively

As necessary, counseling, guidance, and support shall be provided to students who are victims of hate-motivated behavior and to students who exhibit such behavior. When appropriate, students who engage in hate-motivated behavior shall be disciplined.

Any training provided by the County Superintendent of Schools for staff who serve students in grades 7-12 should:

1. Promote an understanding of diversity, equity, and inclusion
2. Discourage the development of discriminatory attitudes and practices
3. Include social-emotional learning and nondiscriminatory instructional and counseling methods
4. Support the prevention, recognition, and response to hate-motivated behavior
5. Raise the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Include effective enforcement of rules for appropriate student conduct

Any rules prepared by the County Superintendent prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians. This policy shall be posted in a prominent location on the Butte County Office of Education web site in a manner that is readily and easily accessible to parents/guardians and students.

#### **Complaints**

The County Superintendent is responsible for ensuring that any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident immediately contacts the compliance officer responsible for coordinating the Butte County Office of Education response to complaints and

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

complying with state and federal civil rights laws. A student or parent/guardian who believes the student is a victim of hate-motivated behavior is encouraged to report the incident to a teacher, the principal, the compliance officer, or other staff member. Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the Butte County Office of Education's uniform complaint procedures specified in BP 1312.3 - Uniform Complaint Procedures or other applicable procedure.

### Legal Reference:

#### FEDERAL

100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.30 Discrimination on the basis of sex in education programs and activities  
106.44 Recipient's response to sexual harassment  
106.45 Grievance process for formal complaints of sexual harassment  
106.8 Designation of responsible employee for Title IX  
110.25 Prohibition of discrimination based on age  
11135 Nondiscrimination in programs or activities funded by state  
200-262.4 Prohibition of discrimination  
28 CFR 35.107 Nondiscrimination on basis of disability; complaints  
32282 School safety plans  
34 CFR 100.3 Prohibition of discrimination on basis of race, color or national origin  
34 CFR 104.7 Designation of responsible employee for Section 504  
34 CFR 106.8 Designation of responsible employee for Title IX  
34 CFR 110.25 Prohibition of discrimination based on age  
35.107 Designation of responsible employee and adoption of grievance procedures  
422.55 Definition of hate crime  
422.6 Interference with constitutional right or privilege  
4600-4670 Uniform complaint procedures  
48900.3 Suspension for hate violence  
48900.4 Suspension or expulsion for harassment, threats, or intimidation  
4900-4965 Nondiscrimination in elementary and secondary education programs

#### STATE

5 CCR 4600-4670 Uniform complaint procedures  
5 CCR 4900-4965 Nondiscrimination in elementary and secondary education programs  
Ed. Code 200-262.4  
Educational equity; prohibition of discrimination on the basis of sex -  
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>  
Ed. Code 32282 School safety plans  
Ed. Code 48900.3 Suspension for hate violence  
Ed. Code 48900.4 Suspension or expulsion for threats or harassment  
Pen. Code 422.55 Definition of hate crime  
Pen. Code 422.6 Crimes, harassment

**Approved: November, 2021**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5145.11

#### QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

The County Superintendent believes that the safety of Butte County Office of Education students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

The County Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

When any law enforcement officer requests an interview with a student, the Principal or designee shall request the officer's identity, their official capacity, and the legal authority under which the interview is to be conducted. The Principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The Principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law enforcement officer's discretion and with the student's approval, the Principal or designee may be present during the interview.

Except in cases of child abuse or neglect, the Principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

If a minor student is removed from school into the custody of law enforcement, the Principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which the student is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse.

#### Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the County Superintendent believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the Principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Legal Reference:

EDUCATION CODE

[44807](#) Duty concerning conduct of pupils

[48264](#) Arrest of truants

[48265](#) Delivery of truant

[48902](#) Notice to law enforcement authorities

[48906](#) Release of minor pupil to peace officers; notice to parent, guardian

[48909](#) Narcotics and other hallucinogenic drugs (re arrest)

CODE OF CIVIL PROCEDURE

[416.60](#) Service of summons or complaint to a minor

PENAL CODE

[830-832.17](#) Peace officers

[1328](#) Service of subpoena

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### WELFARE AND INSTITUTIONS CODE

[627](#) Custody of minor

### CODE OF REGULATIONS, TITLE 5

[303](#) Duty to remain at school

**Approved: July, 2011**

**Revised: February 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5145.12

#### SEARCH AND SEIZURE

The County Superintendent is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or Butte County Office of Education property under their control and may seize illegal, unsafe, or otherwise prohibited items.

The County Superintendent urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Butte County Office of Education Superintendent's Policy, and Administrative Regulations.

The County Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the Superintendent Policy and Administrative Regulations and other legal issues, as appropriate.

#### **Individual Searches**

School officials may search any individual student, their property, or Butte County Office of Education property under their control when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Butte County Office of Education Superintendent's Policy, Administrative Regulations, or other rules of the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, back-packs, student vehicles parked on Butte County Office of Education property, cellular phones, or other electronic communication devices.

Any search of a student, their property, or Butte County Office of Education property under their control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

A student's personal electronic device may be searched only if a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information.

Employees shall not conduct strip searches or body cavity searches of any student.

Searches of individual students shall be conducted in the presence of at least two Butte County Office of Education employees.

The Principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible.

#### **Searches of Multiple Student Lockers/Desks**

All student lockers and desks are the property of Butte County Office of Education. The Principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

### **Use of Metal Detectors**

The Superintendent finds that the presence of weapons and other prohibited items threatens the COEs ability to provide the safe and orderly learning environment to which students and staff are entitled. The Superintendent finds that metal detector searches offer a reasonable means to keep weapons and prohibited items out of schools and mitigate the fears of students and staff.

The Superintendent or designee shall use metal detectors as necessary at school sites to keep weapons and prohibited items out of schools and help provide a safe learning environment. The Superintendent or designee shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner at the sites they where will be used.

### **Use of Contraband Detection Dogs**

In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without individualized suspicion.

Legal Reference:

STATE

CA Constitution Article I, Section 28(c) Right to Safe Schools -

<https://simbli.eboardsolutions.com/SU/G5dZ2hjX2fjXslshlvWSYTNiQ==>

Ed. Code 32280-32289 School safety plans

Ed. Code 35160 Authority of governing boards

Ed. Code 35160.1 Broad authority of school districts

Ed. Code 48900-48927 Suspension and expulsion

Ed. Code 49050-49051 Searches by school employees

Ed. Code 49330-49334 Injurious objects

Pen. Code 626.10 Dirks, daggers, knives or razor

Pen. Code 626.9 Firearms

**Approved: November, 2008**

**Reviewed: October, 2021**

**Revised: December, 2021**

**Revised: February 2022**

**Revised: September 2023**

**Revised: October 2023**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5145.13**

#### **RESPONSE TO IMMIGRATION ENFORCEMENT**

The County Superintendent is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status. BCOE staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at BCOE school, except as may be required by state and federal law.

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in BCOE school programs and activities on the basis of their immigration status.

The County Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement.

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to county office of education records, school sites, or students for the purpose of immigration enforcement.

The County Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information.

#### Legal Reference:

##### EDUCATION CODE

[200](#) Educational equity

[220](#) Prohibition of discrimination

[234.1](#) Safe Place to Learn Act

[234.7](#) Student protections relating to immigration and citizenship status

48204.4 Evidence of residency for school enrollment

[48980](#) Parental notifications

[48985](#) Notices to parents in language other than English

##### GOVERNMENT CODE

8310.3 California Religious Freedom Act

##### PENAL CODE

[422.55](#) Definition of hate crime

[627.1-627.6](#) Access to school premises, outsiders

##### UNITED STATES CODE, TITLE 20

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

**Approved: July, 2004**

**Reviewed: December, 2021**

**Revised December, 2021**

**Revised: February, 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 5145.13

#### REGULATIONS REGARDING RESPONSE TO IMMIGRATION ENFORCEMENT

##### **Responding to Requests for Information**

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The County Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, BCOE staff shall:

1. Notify the County Superintendent or designee about the information request
2. Provide students and families with appropriate notice and a description of the immigration officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the Butte County Office of Education or in cases involving investigations of child abuse, neglect, or dependency

Resources and data collected by the BCOE shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination.

##### **Responding to Requests for Access to Students or School Grounds**

BCOE staff shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law.

BCOE staff shall report the presence of any immigration enforcement officers to the Director, Emergency Preparedness, School Safety & Security, and other appropriate administrators.

As early as possible, BCOE staff shall notify the County Superintendent or designee of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

In addition, BCOE staff shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the County Superintendent or designee, except under exigent circumstances that necessitate immediate action
2. Request to see the officer's credentials, including his/her name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information
3. Ask the officer for his/her reason for being on school grounds and document the response
4. Request that the officer produce any documentation that authorizes his/her school access



# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

5. Make a copy of all documents produced by the officer and retain one copy for school records
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, comply with the officer's orders and immediately contact the County Superintendent or designee
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows:
  - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, BCOE staff shall inform the agent that they cannot consent to any request without first consulting with BCOE legal counsel or other designated BCOE official.
  - b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, staff shall promptly comply with the warrant. If feasible, staff shall consult with the BCOE legal counsel or designated administrator before providing the officer with access to the person or materials specified in the warrant.
  - c. If the officer has a subpoena for production of documents or other evidence, staff shall inform the BCOE legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.
8. Do not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, BCOE staff shall document the officer's actions while on campus.
9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
  - a. A list or copy of the officer's credentials and contact information
  - b. The identity of all school personnel who communicated with the officer
  - c. Details of the officer's request
  - d. Whether the officer presented a warrant or subpoena to accompany their request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was signed by a judge
  - e. BCOE staff's response to the officer's request
  - f. Any further action taken by the officer
  - g. A photo or copy of any documents presented by the officer
10. Provide a copy of these notes and associated documents collected from the officer to the BCOE legal counsel or other designated BCOE official

The BCOE legal counsel or other designated official shall submit a timely report to the Governing Board regarding the officer's requests and actions and BCOE's responses.

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

### **Responding to the Detention or Deportation of Student's Family Member**

The County Superintendent or designee shall encourage students and their families to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The County Superintendent or designee shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

The County Superintendent or designee shall also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a family member is detained or deported.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the County Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The County Superintendent or designee shall only contact child protective services if BCOE personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

The County Superintendent or designee shall notify a student whose parent/guardian was detained or deported that the student continues to meet the residency requirements for attendance in a BCOE school, provided that the parent/guardian was a resident of California and the student lived in California immediately before they moved out of state as a result of the parent/guardian's departure.

**Approved: December, 2021**

**Revised: February, 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5146

#### MARRIED / PREGNANT / PARENTING STUDENTS

Married, pregnant and parenting students in the Butte County Office of Education programs shall have the same educational opportunities as all students.

For school-related purposes, married students under the age of eighteen (18) are emancipated minors and have all the rights and privileges of a student who is 18, even if the marriage has been dissolved.

The County Superintendent believes that pregnancy and parenting should not be a barrier to education or a reason for dropping out of school. Rather than ending the teenager's need for education, pregnancy and parenting increase the need to cope with adult responsibilities and to prepare for an economically self-sufficient future. Therefore, the County Superintendent desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

The Butte County Office of Education shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the BCOE shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.

The County Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year, including enrollment packets.

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved.

#### **Education and Support Services for Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Married, expectant and parenting students shall have the same educational and extracurricular opportunities as all students. Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other BCOE students. A student's participation in such programs shall be voluntary.

The instructional program provided for pregnant students shall be determined on a case-by-case basis and shall be appropriate to the student's individual needs. The student may continue attending school in the regular classroom setting, may attend a separate program established for pregnant students, or may pursue a home instruction or independent study program. When selecting the program to be followed, the student shall be encouraged to consult with her spouse, registered domestic partner, parent/guardian, physician, and appropriate Butte County Office of Education staff.

If required for students with any other temporary disabling condition, the County Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Absences**

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence.

### **Parental Leave**

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and of the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The County Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician.

The student, or the student's parent/guardian, shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave.

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave.

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses.

### **Accommodations**

When necessary, BOCE school shall provide accommodations to enable a pregnant or parenting student to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions.

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to:

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Complaints**

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, BCOE noncompliance with the requirements of Education Code 46015, or BCOE noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the BCOE Uniform Complaint Procedures in accordance with 5 CCR 4600-4670 and BP/AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the BCOE decision may appeal the decision to the California Department of Education (CDE). If the Butte County Office of Education or CDE finds merit in an appeal, BCOE shall provide a remedy to the affected student.

### **Program Evaluation**

The County Superintendent or designee shall periodically report to the Board regarding the effectiveness of BCOE schools' strategies to support married, pregnant, and parenting students, which may include data on student participation in programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on programs and services.

Legal Reference:

#### EDUCATION CODE

221.51 Nondiscrimination; married, pregnant, and parenting students  
222 Reasonable accommodations; lactating students  
222.5 Pregnant and parenting students, notification of rights  
230 Sex discrimination  
8200-8498 Child Care and Development Services Act  
46015 Parental leave  
48205 Excused absences  
48206.3 Temporary disability, definition  
48220 Compulsory education requirement  
48410 Persons exempted from continuation classes  
48980 Parental notifications  
49553 Nutrition supplements for pregnant/lactating students  
51220.5 Parenting skills and education  
51745 Independent study

Legal Reference:

#### EDUCATION CODE

2551.3 Pregnant minors' programs operated by county superintendent of schools  
8900-8902 Pregnant minors' program  
48410(c) Persons exempted from continuation classes  
49558 Confidentiality of applications and records  
49559 Reimbursement rates; qualification of pregnant or lactating students for programs

#### FAMILY CODE

Emancipated minor; description

**Approved: July, 2010**

**Revised: December, 2021**

**Revised: February, 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 5147**

#### **DROPOUT PREVENTION**

The County Superintendent is deeply concerned about the many students who leave school without graduating. The County Superintendent particularly desires to provide a learning environment conducive to keeping in school those "high-risk" students who are susceptible to frequent absenteeism, truancy, or tardiness, or who have the potential to drop out because of pregnancy or marriage, financial needs, dislike of school, classes, or teachers, lack of basic skills, disciplinary problems, low self-esteem, emotional or physical problems, or feelings of alienation.

The County Superintendent sees every student as a valuable individual to be carefully nurtured and equipped to become a productive citizen. Because children all differ, variations of pace, topic and activity are needed to challenge and interest them. Besides seeking continual improvement in the quality and relevancy of our educational programs, the County Superintendent encourages the use of appropriate dropout prevention strategies. Further, the County Superintendent supports SARB to reduce absenteeism and tardiness of students within all schools.

Legal Reference:

EDUCATION CODE

1040 Duties of boards

1240 General duties

54690-54697 Partnership academics

**Approved: July, 2004**

**Reviewed: May, 2021**

**Revised: February, 2022**

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 5148

#### EARLY LEARNING AND CARE

The County Superintendent desires to provide high quality early learning and care programs and services which meet the developmental needs of children, enhance children's social-emotional development, knowledge, skills, abilities and learning, and offer child care alternatives for parents/guardians in the community.

The County Superintendent shall enter into a contract with the California Department of Education for the provision of early learning and care services to eligible families to access developmentally appropriate activities in safe and healthy learning environments provided by qualified early childhood educators by Butte County Office of Education in accordance with all related funding terms and conditions and regulations.

The County Superintendent shall approve a written philosophical statement, goals, and objectives for the early learning and care programs that reflect the cultural and linguistic characteristics of the families to be served and address the program components and administrative regulation.

As needed, the County Superintendent or designee may identify Butte County Office of Education facilities that have capacity to provide early learning and care services and/or may enter into an agreement with a public agency or community organization to use community facilities for the purpose of providing such services.

Admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the early learning and care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a medical assessment requirement.

The County Superintendent or designee shall ensure that subsidized early learning and care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities per funding terms and regulations.

The County Superintendent or designee shall ensure that individuals working in early learning and care programs have the necessary qualifications and have satisfied all legal requirements and possess the appropriate permit(s), meet any additional qualifications established, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

#### Legal Reference:

##### EDUCATION CODE

8200-8499.10 Child Care and Development Services Act, especially 8200-8209 General provisions for child care and development services 8210-8216 Resource and referral program

8220-8226 Alternative payment program

8230-8233 Migrant child care and development program 8235-8239 California state preschool program

8240-8244 General child care programs

8250-8252 Programs for children with special needs

8263 Eligibility and priorities for subsidized child development services 8278.3 Child Care Facilities Revolving Fund

8360-8370 Personnel qualifications

8400-8409 Contracts

8482-8484.6 After-school education and safety program 8484.7-8484.8 21st Century community learning centers 8493-8498 Facilities

8499-8499.7 Local planning councils

17609-17610 Integrated pest management, applicability to child care facilities 49540-49546 Child care food program

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

49570 National School Lunch program

54740-54749.5 Cal-SAFE program for pregnant/parenting students and their children 56244 Staff development funding

### HEALTH AND SAFETY CODE

1596.70-1596.895 California Child Day Care Act 1596.90-1597.21 Day care centers

120325-120380 Immunization requirements CODE OF REGULATIONS, TITLE 5

18000-18434 Child care and development programs, especially 18012-18122 General requirements

18180-18192 Federal and state migrant programs 18210-18213 Severely handicapped program 18220-18231 Alternative payment program 18240-18248 Resource and referral program 18270-18281 Program quality, accountability 18290-18292 Staffing ratios

18295 Waiver of qualifications for site supervisor 18300-18308 Appeals and dispute resolution

80105-80125 Commission on Teacher Credentialing, child care and development permits CODE OF REGULATIONS, TITLE 22

101151-101239.2 General requirements, licensed child care centers, especially 101151-101163 Licensing and application procedures

101212-101231 Continuing requirements 101237-101239.2 Facilities and equipment CODE OF REGULATIONS, TITLE 42

1751-1769 School lunch programs 9831-9852 Head Start programs

9858-9858 Child care and development block grant CODE OF FEDERAL REGULATIONS, TITLE 7 210.1-210.31 National School Lunch program

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 Child care and development fund

[18300-18308](#) Appeals and dispute resolution

[80105-80125](#) Commission on Teacher Credentialing, child care and development permits CODE OF REGULATIONS, TITLE 22

[101151-101239.2](#) General requirements, licensed child care centers, especially [101151-101163](#) Licensing and application procedures

[101212-101231](#) Continuing requirements [101237-101239.2](#) Facilities and equipment CODE OF REGULATIONS, TITLE 42

[1751-1769](#) School lunch programs [9831-9852](#) Head Start programs

[9858-9858q](#) Child care and development block grant CODE OF FEDERAL REGULATIONS, TITLE 7

[210.1-210.31](#) National School Lunch program CODE OF FEDERAL REGULATIONS, TITLE 45

[98.2-98.93](#) Child care and development fund

**Approved: July, 2011**

**Revised: May, 2021**

**Revised: February, 2022**



# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

### AR 5148

### REGULATIONS REGARDING CHILD CARE AND DEVELOPMENT

#### Licensing

All Butte County Office of Education early learning and care services shall be licensed by the California Department of Social Services Community Care Licensing, unless exempted pursuant to Health and Safety Code. The license shall be posted in a prominent, publicly accessible location in the facility. Licensed child care centers shall be subject to the requirements of Health and Safety Code.

#### Program Components

Butte County Office of Education's early learning and care programs shall include the following components:

1. A developmental profile recording each child's physical, cognitive, social, and emotional development which shall be used to plan and conduct developmentally and age- appropriate activities.
2. Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education, for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages.
3. An educational program, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs.
4. A staff professional development program.
5. Parent/guardian involvement and education which involves parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress.
6. A health and social services component which includes referrals to appropriate community agencies as needed.
7. A community involvement component.
8. A nutrition component which ensures that children in the program have nutritious meals, beverages, and snacks that meet state and federal standards.
9. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the California Department of Education.

#### Staffing

Butte County Office of Education's early learning and care program shall maintain at least the minimum adult-child and teacher-child ratios based on the ages of the children served per regulations and Title V.

Any person employed at a Butte County Office of Education early learning and care program and any volunteer who provides care and supervision to children shall, unless exempted by law, be immunized against influenza, pertussis, and measles. Documentation will be maintained at the program location and in employee files.

#### Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to their religious beliefs.

#### Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or Butte County Office of Education staff.

# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

Absences shall be excused for the reasons defined in the program handbook to include the following reasons:

1. Illness or quarantine of the child or of the parent/guardian
2. Family emergency  
A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.
3. Time spent with a parent/guardian or other relative as required by a court of law
4. Time spent with a parent/guardian or other relative, which is clearly in the best interest of the child.

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period.

Any absence due to a reason other than the above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall receive a program handbook and be notified of the policies and procedures related to excused and unexcused absences for early learning and care services.

### **Rights of Parents/Guardians**

At the time a child is accepted into a licensed early learning and care center, the child's parent/guardian or authorized representative shall be notified of their rights including, but not limited to, the right to enter and inspect the facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption.

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to non-custodial parents/guardians when so requested by the responsible parent/guardian.

### **Records**

The County Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the early learning and care program, and any other records required by the California Department of Education.

**Approved: July, 2011**

**Revised: May, 2021**

**Revised: February, 2022**

**Revised: September, 2023**

# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

### **SP 5148.2**

#### **BEFORE/AFTER SCHOOL PROGRAMS**

The County Superintendent desires to provide learning opportunities for students beyond the regular school day that support the regular education program in a supervised environment. In order to increase academic achievement of participating students, the content of such programs shall be coordinated with the district's vision and goals for student learning, local control and accountability plan, curriculum, and academic standards.

The county office program shall be planned through a collaborative process as required by law.

To the extent feasible, the district shall give priority to establishing expanded learning opportunities beyond the regular school day in low-performing schools and/or programs that serve low-income and other at-risk students.

Any expanded learning opportunities, including but not limited to After School Education and Safety Program (ASES), or any other program to be established pursuant to Education Code 8421, 8482.3, 8484.75, or 46120, shall be approved by the Superintendent.

The Superintendent or designee shall ensure that all staff who directly supervise students in the district's expanded learning opportunity programs possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

Each before-school, after-school, summer, vacation or intersessional expanded learning opportunity program shall include academic and enrichment elements in accordance with law and administrative regulation. In addition, each program may include support services that reinforce the educational component and promote student health and well-being.

A family fee may be charged to participating families based on the actual cost of services. However, for the ASSETS program, a family fee shall be waived or reduced for families with students who are eligible for free or reduced-price meals.

For ASES, 21st CCLC, and/or ELO s programs, no fee shall be charged for a student who is eligible for free or reduced-price meals, or a student who the district knows is a homeless youth or in foster care. In addition, family fees shall be calculated on a sliding scale that considers family income and ability to pay.

Eligible students ages 11-12 years shall be placed in an after-school program, if and when available, rather than subsidized child care and development services. During the time that the after-school program does not operate, such students may be provided the option of enrolling in child care and development services in accordance with the priorities established in AR 5148 - Child Care and Development.

The Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

Every three years, the Superintendent or designee shall review the after-school program plan, including, but not limited to, program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years.

Legal Reference:  
EDUCATION CODE

# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

8263 Eligibility and priorities for subsidized child development services  
8350-8359.1 Programs for CalWORKS recipients  
8420-8428 21st Century After-School Program for Teens  
8460-8480 School-age community child care services  
8482-8484.6 After School Education and Safety Program  
8484.7-8484.9 21st Century Community Learning Centers  
8488.5-8489.9 Six by Six Before- and After-school Program  
17264 New construction; accommodation of before- and after-school programs  
49430-49436 Nutrition standards  
49553 Free or reduced-price meals  
69530-69547.9 Cal Grant program  
UNITED STATES CODE, TITLE 20  
6314 Title I schoolwide programs  
6319 Program improvement  
7171-7176 21st Century community learning centers

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**Revised: May, 2021**

**Revised: February, 2022**

**Revised: October, 2023**

# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

### AR 5148.2

### REGULATIONS REGARDING BEFORE/AFTER SCHOOL PROGRAMS

#### Definitions

*Expanded learning opportunities* means before school, after school, summer, vacation, and/or intersessional learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. Expanded learning opportunities does not mean an extension of instructional time, but rather, opportunities to engage students in enrichment, play, nutrition, and other developmentally appropriate activities.

*Offer access*, with regard to an Expanded Learning Opportunities (ELO) program, means to recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels.

*Provide access*, with regard to an ELO program, means to register or enroll a student in an ELO program.

*Unduplicated student* means a student enrolled in a district who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth.

The county office's After School Education and Safety (ASES) program shall serve students in any of grades K-8 as the county may determine based on local needs.

The county office's ASES program(s) shall be operated in accordance with the following:

1. Program Elements
  - a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science.
  - b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities.
2. Nutrition
  - a. Snacks or meals made available in the program, shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable.
3. Location of Program
  - a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility.
  - b. When there is a significant barrier to student participation in the after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site. Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following:
    - i. Fewer than 20 students participating in the program component
    - ii. Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation

# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

- iii. A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school.

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students.

### 4. Staffing

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide.
- b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Superintendent policy.
- c. The student-to-staff ratio shall be no more than 20 to 1, except that programs serving transitional kindergarten or kindergarten students shall maintain a student-to-staff member ratio of no more than 10 to 1.

### 5. Hours of Operation

- a. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day.

### 6. Admissions

- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity.
- b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:
  - i. First priority for enrollment shall be given to students who are identified as homeless youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the time they apply for enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-priced meals.
  - ii. The County Office of Education is not required to disenroll a current student in order to secure the enrollment of a student who has priority for enrollment. The County Office of Education shall inform the parent/guardian of a homeless or foster youth of the right of the child to receive priority enrollment and how to request priority enrollment.
  - iii. Second priority for enrollment of middle or junior high school students shall be given to students who attend daily.
  - iv. Third priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Superintendent policy or administrative regulation.
  - v. Any remaining capacity shall be filled by students selected at random.
  - vi. A waiting list shall be established to accommodate additional students if space becomes available.

### 7. Attendance/Early Release

- a. Each student admitted into the County Office of Education program shall be expected to attend the full number of hours that the program is in operation every day that the student participates.
- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable early daily release of his/her child from the after-school program. The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

### 8. Summer/Intersession/Vacation Programs

An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day.

- a. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district being served, with priority for enrollment given to students enrolled in the school that received the grant.
- b. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site. The program shall notify the California Department of Education (CDE) of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6.
- c. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day.
- d. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in item #7 above shall apply.

### Reports

The Superintendent or designee shall annually submit to CDE outcome-based data, including, but not limited to:

1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis
2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

**Approved: May, 2021**

**Revised: February 2022**

**Revised: September, 2023**

# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

### **AR 5148.3**

#### **REGULATIONS REGARDING PRESCHOOL/EARLY CHILDHOOD EDUCATION**

The County Superintendent recognizes the value of high-quality preschool experiences to enhance children's social-emotional development and acquisition of instructional knowledge, skills, and abilities. The Superintendent desires to provide a supervised and cognitively rich learning environment designed to facilitate the transition to kindergarten for three- and four-year-old children.

The Superintendent or designee shall collaborate with the local child care and development planning council, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Superintendent encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

#### **CA State Preschool Programs**

When approved by the California Department of Education under the California State Preschool Program (CSPP), Butte County Office of Education may operate one or more part-day and/or full-day preschool programs in accordance with law and the terms of the state contract.

The California State Preschool Program shall include all required components, as described in Title V and as indicated in AR 5148 Child Care and Development, for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation.

#### **Definitions**

Children with exceptional needs means either of the following:

1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations. These children include an infant or toddler with a developmental delay or established risk condition, or who is at high risk of having a substantial developmental disability, as defined in Government Code 95014. These children shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.
2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031. These children shall have an active individualized education program (IEP) and shall be receiving early intervention services or appropriate special education.

Dual language learner children means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English.

Three-year-old children means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a CSPP program on or after their third birthday. (Education Code 8205)



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Four-year-old children means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP program, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program. (Education Code 8205)

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

### **Program Components**

Butte County Office of Education's CSPP programs shall include the following components: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition
7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

The CSPP shall satisfy all the requirements described in 5 CCR 17701-17711, including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, family engagement and strengthening, community involvement, health and social services, nutrition, and program evaluation.

### **Minimum Hours and Days of Operation**

Butte County Office of Education's part-day preschool programs shall operate a minimum of three hours per day and a minimum and for a minimum of 175 days per year unless otherwise specified in the program's contract and/or funding terms. (Education Code 8207; 5 CCR 17727)

However, the part-day preschool program may also offer transitional kindergarten (TK) or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound childcare services and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

The full-day program shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR 17728)

### **Staffing**

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 17713-17716)

Any person employed at a Butte County Office of Education preschool program and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596

7995 and AR 5148 – Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained at the program locations and in employee files.

# Butte County Office of Education

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Any volunteer who is to provide care and supervision to preschool children is required to provide evidence that the volunteer is free of infectious tuberculosis.

### **Family Literacy Services**

When any Butte County Office of Education part-day preschool programs receive funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
  - a. Providing support for the educational growth and success of their children
  - b. Improving parent-school communications and parental understanding of school structures and expectations
  - c. Becoming active partners with teachers in the education of their children
  - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
4. Staff development for teachers in participating classrooms that includes, but is not limited to:
  - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
  - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
  - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
  - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

### **Eligibility and Enrollment Priorities Part-Day CSPP Programs**

A three- or four-year-old child is eligible for a part-day CSPP program if the child's family is one of the following: (Education Code 8208)

1. A current aid recipient
2. Income eligible
3. Homeless
4. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited
5. One who has children with exceptional needs, as defined in Education Code 8205
6. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

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## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

After all eligible three- and four-year-old children have been enrolled as provided above, a part-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP program may provide services to three- and four-year-old children in families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

A CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price lunch may enroll three- and four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208 and 8217)

The district shall certify eligibility and enroll families into the part-day preschool program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP program for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

### **Enrollment Priorities for Part-Day CSPP Programs**

The Butte County Office of Education shall give priority for part-day CSPP programs as follows: (Education Code 8210)

1. The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency. If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.
2. When the number of three- or four-year old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213. Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first.
3. The third priority shall be given to eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten (TK) program. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208 (a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child from a family in which the primary home language is a language other than English shall be enrolled first. If there are no children from such a family, the child that has been on the waiting list for the longest time shall be admitted first.

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## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

4. The fourth priority shall be given to eligible three-year-old children. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208 (a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.
5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the 10 percent of funded enrollment set aside pursuant to Education Code 8208, then to four-year old children before three-year-old children without exceptional needs.
6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:
  - a. A CSPP program site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.
  - b. Children enrolling in a CSPP program that provides expanded learning and care to TK or kindergarten students, pursuant to Education Code 48000

Regardless of the priorities listed above, until the county office of education attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

### **Eligibility and Enrollment Priorities for Full-Day CSPP Programs**

A three- or four-year-old child is eligible for a full-day CSPP program if the family meets both of the following requirements: (Education Code 8208)

1. The child's family is one of the following:
  - a. A current aid recipient, income eligible, or homeless
  - b. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited
  - c. One who has children with exceptional needs, as defined in Education Code 8205
  - d. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE
2. The child's family needs the childcare services because of either the following:
  - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as being homeless

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- b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

After all eligible three- and four-year-old children have been enrolled as provided above, a full-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP program may provide services to three- and four-year-old children in families who do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

After all otherwise eligible children have been enrolled as provided above, a CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any four-year-old child. (Education Code 8208)

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP program, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

### **Fees and Charges**

Fees for participation in the district's full-day CSPP program shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252) However, no family fees will be collected between July 1, 2023 and September 30, 2023, inclusive as specified in Education Code 8252.

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 17735)

A family may be exempt from the fees for up to 12 months for any child enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused or neglected. (Education Code 8253)

### **Combined Preschool/Transitional Kindergarten Classroom**

When a child is eligible for both the California State Preschool Program and a TK program, a child may be placed in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements as specified in Title 5 and Education Code:

1. An early childhood environment rating scale, shall be completed for the classroom.

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2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile.
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing
4. The classroom shall comply with adult-child ratios per Title 5.
5. Contractors shall report the services, revenues, and expenditures for children in the preschool program in accordance with Title 5.
6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom.

### **Expulsion/Unenrollment Based on Behavior**

The California State Preschool Program shall not expel or unenroll a child based on the child's behavior, unless the program first takes the following actions to address the child's behavior:

1. In writing, inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program.
2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), with written parent/guardian consent, contact the agency or employee responsible for such plan or program to seek consultation in regard to serving the child.
3. If appropriate, consider completing a comprehensive screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the program has taken the actions specified in items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the program shall refer the parents/guardians to other potentially appropriate placements, the local child care and resource and referral agency. Within 180 days of the start of the process, the program may unenroll the child.

Children with disabilities may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

### **Suspension**

A child shall not be suspended from a CSPP program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the program shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the program shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing the following:

- a. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
- b. Developing a written plan to document the action and supports needed
- c. Providing referrals to appropriate community resources
- d. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

# Butte County Office of Education

## SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the program suspends or expels a child from any CSPP program, the program shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

### **Notice of Action**

Upon receive a parent/guardian's application for service, the County Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

The decision to approve or deny a children's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian

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

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

For each child enrolled in the CSPP program, the County Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the family income, and evidence that the program has made a diligent search for children eligible for subsidized services.

### **Parent Hearing**

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

The hearing shall be conducted in accordance with the procedures specified in Title 5. Within 10 calendar days after the hearing, the designated authority shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE.

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