Welcome to the 2019-20 School Year in Oakland Unified School District (OUSD)!

In this Student & Family Handbook, you’ll find information about Board of Education policies, your rights and responsibilities, several programs and services, and useful website and calendar information.

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At the time of publication, OUSD was undergoing a reorganization of central office to better streamline services in support of our students. As such, we encourage you to visit our website at [www.ousd.org](http://www.ousd.org) for the most up to date programmatic and contact information for our District and staff. You can also call the main District phone number at 510-879-8200.

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ANNUAL NOTICE TO PARENTS
2019-2020

DEAR PARENT/GUARDIAN:

Section 48980 of the Education Code of California requires that notice be given at the beginning of the first semester or quarter of the regular school term to the parent or guardian of the minor pupils in the school district regarding the rights of the parent or guardian under sections 32390, 35291, 46014, 46015, 48205, 48207, 48208, 49403, 49423, 49451, 49472, 51938. Chapter 2.3 (commencing with section 32255) of Part 19, and notice of the availability of the program prescribed by Article 9 (commencing with section 49510) of Chapter 9 and of the availability of individualized instruction under section 48206.3. Section 48982 requires that this Notice be signed and returned by the parent or guardian to the school. Signature and return of the OUSD Policies Signature Page form is acknowledgement by the parent or guardian that he or she has been informed of his or her rights but does not indicate that consent to participate in any particular program has either been given or withheld. Pursuant to parent request, the annual notification may be provided to the parent or guardian in electronic format by providing access to the notice electronically. If the notice is provided in electronic format, the parent or guardian must submit to the school a signed acknowledgment of receipt of this notice. You may view OUSD’s Annual Notice to Parents as part of the Student and Family Handbook available online at www.ousd.org/studentfamilyhandbook. Attached to this Notice as part of the Handbook is an OUSD Policy Appendix which includes the District’s policies on specified topics as noted below. Please note that all OUSD’s Board Policies are also available online at www.ousd.org/boardpolicies.

Some legislation requires additional notification to the parents or guardians during the school term or at least 15 days prior to a specific activity. (A separate letter will be sent to parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parents or guardians file with the principal of the school a statement in writing requesting that their child not participate.) Other legislation grants certain rights that are spelled out in this form. Accordingly, you are hereby notified as follows (when used in this notification “parent” includes a parent or legal guardian):

**STUDENT DISCIPLINE**

**RULES AND PROCEDURES ON SCHOOL DISCIPLINE (EC §35291):** Rules pertaining to student discipline, including those that govern suspension or expulsion, are set forth in Education Code Sections 48900 and following, and are available online at www.ousd.org/boardpolicies and upon request from the school. OUSD discipline policies are included in the attached Policy Appendix. In addition, the following disciplinary information is provided to parents:

**DUTY CONCERNING CONDUCT OF PUPILS (EC §44807):** Every teacher shall hold pupils accountable for their conduct on the way to and from school, and on the playground.

**DUTIES OF PUPILS (5 CCR §300):** Pupils must conform to school regulations, obey all directions, be diligent in study, be respectful of teachers/others in authority, and refrain from profane/vulgar language.

**HAZING PROHIBITION (EC §48900(q)):** Pupils and other persons in attendance are prohibited from engaging or attempting to engage in hazing.

**DRESS CODE/GANG APPAREL (EC §35183):** The District is authorized to adopt a reasonable dress code.

**ATTENDANCE OF SUSPENDED PUPIL’S PARENT (EC §48900.1; LC §230.7):** If a teacher suspends a student, the teacher may require the child’s parent to attend a portion of the school day in his or her child’s class. Employers may not discriminate.
against parents who are required to comply with this requirement.

SCHOOL ACCOUNTABILITY REPORT CARD (SARC) (EC §§35256, 35258): Districts are to make a concerted effort to notify parents of the purpose of school accountability report cards, and ensure that all parents have access to a copy. View SARCs for OUSD schools online at www.ousd.org/sarc. Parents can receive a copy of a SARC upon request at the school site.

SAFE PLACE TO LEARN ACT (EC §234.1): The District is committed to maintaining a learning and working environment that is free from bullying, as defined in EC §48900(r). Any student who engages in bullying of anyone in or from the District may be subject to disciplinary action up to and including expulsion. The District’s policies and process for filing a complaint should be publicized to pupils, parents, employees and agents of the governing board. The notice shall be in English and in the primary language of the recipient. For a copy of the District’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies or to report incidences of bullying please access them online at www.ousd.org/ombudsperson or www.ousd.org/boardpolicies or contact the District office. These policies shall be posted in schools and offices.

OUSD PROFESSIONAL STANDARDS: The district is committed to district employees maintaining the highest ethical standards, exhibiting professional behavior, following district policies and regulations, abiding by state and federal laws, and exercising good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district’s educational programs, and contribute to a positive school climate. OUSD’s policy on professional standards including employee interactions with pupils is included in the attached Policy Appendix.

SCHOOL RECORDS AND ACHIEVEMENT

PUPIL RECORDS/NOTICE OF PRIVACY RIGHTS OF PARENTS AND STUDENTS (EC §49063 et seq., §49069, §49073, 34 CFR 99.30, 34 CFR 99.34, and the federal Family Educational Rights and Privacy Act): Federal and state laws concerning student records grant certain rights of privacy and right of access to students and to their parents. Full access to all personally identifiable written records maintained by the school district must be granted to: (1) Parents of students 17 and younger; (2) Parents of students age 18 and older if the student is a dependent for tax purposes and the records are needed for a legitimate educational purpose; (3) Students age 18 and older, or students who are enrolled in an institution of postsecondary instruction (called “eligible students”); (4) Pupils age 14 and over who are identified as both homeless and an unaccompanied youth; (5) Individuals who have completed and signed a Caregiver’s Authorization Affidavit.

Parents, or an eligible student, may review individual records by making a request to the principal. Districts must respond to a pupil record request by providing access no later than five business days following the date of the request. The principal will see that explanation and interpretations are provided if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request. In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page. District policies and procedures relating to: location of, and types of records; kinds of information retained; availability of certificated personnel to interpret records if requested; persons responsible for records; directory information; access by other persons; review and challenge of records are available through the principal at each school. When a student moves to a new district, records will be forwarded upon the request of the new school district within ten school days. At the time of transfer, the parent or eligible student may review, receive a copy (at a reasonable fee), and/or challenge the records. You may view OUSD policies related to Student Records online at www.ousd.org/boardpolicies.

If you believe the District is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Department of Education (20 USC §1232g).

You have the right to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any applicable program.
OUSD Tests on Personal Beliefs

Unless a student’s parent is notified first in writing and given written permission, a student will not be questioned on surveys or examinations about their or their parent’s personal beliefs or practices regarding politics or political affiliations; mental or psychological problems; sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of others who are close family; legally recognized privileged or similar relationships, such as those of lawyers, physicians, and ministers; religious practices, affiliations, or beliefs; or income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program. **EDUCATION CODE 51513; 20 USC 1232H.**

**RELEASE OF PUPIL DIRECTORY INFORMATION (EC §49073, 34 CFR 99.37):** The District also makes student directory information available in accordance with state and federal laws. This means that each student’s name, birth date, address, telephone number, email address, major course of study, participation in officially recognized school activities, dates of attendance, degrees and awards received, and most recent previous public or private school attendance may be released in accordance with board policy. In addition, height and weight of athletes may be made available. Appropriate directory information may be provided to any agency or person except private, profit-making organizations (other than employers, potential employers or the news media). Names and addresses of seniors or terminating students may be given to public or private schools and colleges.

OUSD directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and the District will not release such information without parental consent or a court order. Parents and eligible students will be notified prior to the destruction of any special education records. You have the right to inspect a survey or other instrument to be administered or distributed to your child that either collects personal information for marketing or sale or requests information about beliefs and practices and any instructional material to be used as part of your child’s educational curriculum. Please contact your child’s school if you wish to inspect such a survey or other instrument.

Upon written request from the parent of a student age 17 or younger, the District will withhold directory information about the student. If the student is 18 or older or enrolled in an institution of postsecondary instruction and makes a written request, the student’s request to deny access to directory information will be honored. Requests must be submitted by the last Friday in August. **(See Decline Release of Directory information portion of OUSD Policies & Signature Packet.)** Additionally, directory information related to homeless or unaccompanied youths will not be released without the express written consent for its release by the eligible pupil or guardian.

**RELEASE OF INFO TO MILITARY SERVICES REPS / RELEASE OF TELEPHONE NUMBERS (EC §49073.5; 20 USC §7908):** Parents of secondary students may request in writing that the student’s name, address, and telephone listing not be released to armed forces recruiters without prior written parental consent. Parents who do not wish this information to be released must check the Military Exemption box of the OUSD Policies Signature Page and complete the opt out information in that packet by the last Friday in August.

**PARTICIPATION IN STATE ASSESSMENTS AND OPTION TO REQUEST EXEMPTION (EC § 60615, 5 CCR § 852):** Pupils in applicable grade levels will participate in the California Assessment of Student Performance and Progress (CAASPP) except as exempted by law. Each year, a parent may submit a written request to excuse his or her child from any or all parts of the CAASPP assessments for that school year. If the parent submits the exemption request after testing begins, any test(s) completed before the request is submitted will be scored; the results will be included in the pupil’s records and reported to the parent. School district employees will not solicit or encourage any exemption request on behalf of a pupil or group of pupils.

**HIGH SCHOOL CURRICULUM: NOTIFICATION REGARDING COLLEGE PREPARATORY COURSES (EC §51229):** Districts are required to provide parents of each minor pupil enrolled in grades 9 to 12 written notice of college admission requirements and career technical education courses. See attached OUSD graduation and college admission requirements and description of career technical education and Cal...
Grant information. At the time of publication, the District’s graduation requirements were under review. For the most up to date information, please visit www.ousd.org.

RELEASE OF STUDENT RECORDS/COMPLIANCE WITH SUBPOENA OR COURT ORDER (EC §§49076 and 49077): Districts are required to make a reasonable effort to notify parents in advance of disclosing student information pursuant to a subpoena or court order.

RELEASE OF STUDENT RECORDS TO SCHOOL OFFICIALS AND EMPLOYEES OF THE DISTRICT (EC §§49076(a)(1) and 49064(d)): Districts may release educational records, without obtaining prior written parental consent, to any school official or employee, which would include accountants, consultants, contractors, or other service providers, who have a legitimate educational interest in the educational record. You may view district policies related to Student Records and their release on line at www.ousd.org/boardpolicies.

HEALTH SERVICES

CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM (H&SC §124085): Physical examinations are required as a prerequisite for enrollment in the first grade. Free health screening may be available through the local health department. Failure to comply with this requirement or sign an appropriate waiver may result in exclusion of your child from school for up to five days.

PHYSICAL EXAMINATION; PARENT REFUSAL TO CONSENT (EC §49451): A child may be exempt from physical examination whenever the parents file, annually, a written statement with the school principal stating that they will not consent to routine physical exam of their child. Whenever there is good reason to believe the child is suffering from a recognized contagious disease, the child will be excluded from school attendance.

VISION APPRAISAL (EC §49455): The District is required to appraise each student’s vision during kindergarten, upon initial enrollment, and in grades 2, 5, and 8. Appraisal in the year immediately following a student’s first enrollment in grades 4 or 7 shall not be required. The appraisal shall include tests for visual acuity, near vision, and color vision; however, color vision shall be appraised once and only on male students. The evaluation may be waived upon presentation of a certificate from a physician, surgeon, physician’s assistant, or optometrist setting out the results of a determination of the student’s vision, including visual acuity and color vision. This appraisal is not required if a parent files a written objection based on a religious belief with the principal.

SCOLIOSIS SCREENING NOTICE (EC §§49451 and 49452.5): In addition to the physical examinations required pursuant to Sections 100275, 124035 and 124090 of the Health and Safety Code, the District may provide for the screening of every female student in grade 7 and every male student in grade 8 for the condition known as scoliosis.

DENTAL FLUORIDE TREATMENT (H&SC §104830 et seq.): Pupils will be provided the opportunity to receive the topical application of fluoride or other decay-inhibiting agent to each pupil’s teeth if the parent, or eligible pupil submits a letter stating that the treatment is desired.

PUPIL NUTRITION/NOTICE OF FREE AND REDUCED PRICE MEALS (EC §§48980(b), 49510, 49520 and 49558): Children may be eligible for free or reduced price meals. Details, eligibility criteria, and applications to participate in a free or reduced price meal program if it is available are available at your child’s school. Individual records pertaining to student participation in any free or reduced-price meal program may, under appropriate circumstances, be used by school district employees to identify students eligible for public school choice and services pursuant to the federal Every Student Succeeds Act. When a household is selected for verification of eligibility for free and reduced meals, the District must notify the parent that their child(ren)’s eligibility is being verified.

COMMUNICABLE DISEASES (EC §48216 and 49403): The District is authorized to administer immunizing agents to pupils whose parents have consented in writing to the administration of such immunizing agent. The District is required to exclude pupils who have not been properly immunized pursuant to Health and Safety Code 120325 and 120335. The District must notify parents that they have two weeks to supply evidence either that the pupil has been properly immunized or is exempted from the
requirement. All students entering kindergarten, advancing from sixth to seventh grade in the District, or prior to his or her first admission to the District, will be required to comply with the immunization requirements of Health and Safety Code section 120335, unless the student provides the District with a valid exemption from a licensed physician. No new personal belief exemptions will be accepted. Students with personal-belief exemptions on file with the District as of January 1, 2016, shall be allowed to continue enrollment until entering the next grade span in the District. Grade spans are defined as birth through preschool, K-6, including transitional kindergarten, and 7-12. Students qualified for an individualized education program may access special education and related services as required by his or her individualized educational program.

**MEDICATION (EC §§49423, §49423.1):** Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician and a parental request for assistance in administering the medication. Students may also carry and self-administer prescription auto-injectable epinephrine and prescription inhaled asthma medication upon the school’s receipt of specified written confirmation with instructions for self-administration and authorization from the student’s parent and physician or surgeon. The parent must release the school district and personnel from liability for any harm resulting from the self-administered medication, and provide a release for authorized school personnel to consult with the physician or surgeon. Required Forms can be found online at [www.ousd.org/healthresources](http://www.ousd.org/healthresources), or at each school.

**MEDICAL AND HOSPITAL SERVICES FOR PUPILS (EC §§49471 and 49472):** The District is required to notify parents in writing if it does not provide or make available medical and hospital services for students injured while participating in athletic activities. The District is also authorized to provide medical or hospital services through non-profit membership corporations or insurance policies for student injuries arising out of school-related activities. OUSD provides student accident insurance coverage for student injuries arising out of school-related activities. Forms are available at each school. For more information on the insurance or how to file a claim, visit [www.ousd.org/riskmanagement](http://www.ousd.org/riskmanagement) or contact the Office of Risk Management at 879-1612.

**AVAILABILITY OF INDIVIDUALIZED INSTRUCTION/PRESENCE OF PUPIL WITH TEMPORARY DISABILITY IN HOSPITAL (EC §§48206.3, 48207-48208):** Individualized instruction is available to students with temporary disabilities whose disability makes attendance in the regular day classes or alternative education program in which the student is enrolled impossible or inadvisable. Parents of students hospitalized or with a temporary disability shall notify the school district where the student attends, resides, and/or receives care if an individualized instruction program is desired.

**CONTINUING MEDICATION REGIMEN (EC §49480):** Parents of any student on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other designated certificated school employee of the medication(s) being taken, the current dosage, and the name of the supervising physician. *(See attached form.)* With the consent of the parent, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the drug on the child’s physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

**SUN PROTECTIVE CLOTHING/USE OF SUNSCREEN (EC §35183.5):** School sites must allow for outdoor use of sun-protective clothing and must allow students to use sunscreen, without a prescription or physician’s note, during the school day.

**PRESCRIPTION OPIOIDS FACTSHEET: (EC 49476)**
Please review the Prescription Opioid Factsheet included in this Handbook. By law, school district student athletes and their parents must be provided with this Prescription Opioids Factsheet published by the United States Department of Health and Human Services Center for Disease Control prior to participation in athletic team practice or competition as part of the effort to educate athletes and their parents about the risks and to help address the nation’s opioid epidemic.

**ASBESTOS (40 CFR 763.84, 40 CFR 763.93):** The District has a plan for eliminating health risks that are created by the presence of asbestos in school buildings. It may be reviewed at the District office.
At least once each year, the District will notify parents of inspections, response actions, and post-response action activities that are planned or in progress. You may review an OUSD site’s Operations and Management plan for Asbestos, located in the principal’s office, during regular school hours. Call the Environmental, Health and Safety Office at 510-535-2723 if you have further questions.

USE OF PESTICIDES (EC §§17611.5, 17612 and 48980.3): School districts are required to inform parents about the use of pesticides on school grounds and provide access to the integrated pest management plan when certain pesticides are used. (See attached form.)

COMPREHENSIVE SCHOOL SAFETY PLAN (EC §§32280 et seq.): Each school is required to report on the status of its school safety plan, including a description of its key elements, in the annual school accountability report card (SARC). The planning committee is required to hold a public meeting to allow members of the public the opportunity to express an opinion about the school plan. The planning committee shall notify specified persons and entities in writing.

NOTICE OF COMPLIANCE (EC §32289): A complaint of noncompliance with the school safety planning requirements may be filed with the State Department of Education under the Uniform Complaint Procedures (5 CCR 4600 et seq.).

TOBACCO FREE SCHOOLS (HS §104420): Use of tobacco products at any time by students, staff, parents, or visitors, is strictly prohibited in district-owned or leased buildings, on district property, and in district vehicles. This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic cigarettes that can deliver nicotine and nonnicotine vaporized solutions. Exceptions may be made for the use or possession of prescription nicotine products. Any employee or student who violates the District’s tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

STUDENT SERVICES

MINIMUM AGE OF ADMISSION TO KINDERGARTEN (EC §48000): A child shall be eligible for enrollment in kindergarten at the beginning of the school year or at a later time in the same year, if the child has his or her fifth birthday, respectively, on or before September 2. Any child who will have his/her birthday between September 2 for the applicable school year and December 2 shall be offered a transitional kindergarten program in accordance with law and district policy. On a case-by-case basis, a child who has reached age five after the date listed above but before the end of the applicable school year, may be admitted to transitional kindergarten with the approval of the child’s parent and subject to board approval in accordance with EC §48000. A school district may place a child who will have their fourth birthday on or before December 1 and is enrolled in a California state preschool program into a transitional kindergarten program classroom in accordance with EC §48000.

PREGNANT AND PARENTING PUPILS (EC §§ 221.51, 222, 222.5, 46015): Districts may not exclude nor deny any pupil from any educational program or activity on the basis of the pupil’s pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, and shall treat these conditions in the same manner and under the same policies as any other temporary disabling condition. A pregnant or parenting pupil is entitled to 8 weeks of parental leave, or additional leave if deemed medically necessary by the pupil’s physician. During parental leave, absences shall be excused and the pupil shall not be required to complete academic work or other school requirements. After return from parental leave, a pupil may resume the course of study in which he/she was previously enrolled, is entitled to make up work missed, and to take a fifth year of high school instruction if necessary to complete graduation requirements. A pupil may elect to attend an alternative education option instead of returning to the school in which he or she was enrolled prior to parental leave. Schools shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A pupil shall not incur an academic penalty as a result of his or her use of these accommodations.
PROSPECTUS OF SCHOOL CURRICULUM (EC §49091.14): The curriculum of every course offered by the schools of the District is compiled annually by each school in a prospectus. Each school prospectus is available for review upon request at each school site. Copies are available upon request for a fee not to exceed the actual copying cost.

MULTILINGUAL EDUCATION (EC §310): If the District implements a language acquisition program pursuant to EC §310, information on the types of language programs available and a description of each program will be made available with this notice or upon enrollment. See attached description of OUSD Education for English Language Learners. For more information about these programs, please visit the website of the English Language Learner and Multilingual Achievement Office: www.ousd.org/ellma.

SPECIAL EDUCATION (IDEA): State and federal law requires that a free appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. More information concerning student eligibility, parental rights and procedural safeguards are available at www.ousd.org/specialeducation and upon request.

SPECIAL EDUCATION; CHILD FIND SYSTEM (EC §56301): Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the school principal. Policy and procedures shall include written notification to all parents of their rights pursuant to EC §56300. (See attached general information on Identification Process and Programs and Services.) Further Special Education contact and program information is available online at www.ousd.org/specialeducation and upon request.

SPECIAL EDUCATION COMPLAINTS (5 CCR §3080): State regulations require the District to establish procedures to deal with complaints regarding special education. If you believe that the District is in violation of federal or state law governing the identification or placement of a special education student, or similar issues, you may file a written complaint with the District. State regulations require the District to forward your complaint to the State Superintendent of Public Instruction.

Procedures are available from your school principal or at www.ousd.org/ombudsperson.

SECTION 504/DISABLED PUPILS (Section 504 of the Rehabilitation Act of 1973): Federal law requires the District to annually notify disabled pupils and their parents of the District’s non-discriminatory policy and duty under Section 504 of the Rehabilitation Act. (See attached information on OUSD Section 504 Services). Further information is available online at www.ousd.org/healthservices.

STATEMENT OF NONDISCRIMINATION (Title VI of the Civil Rights Act of 1964; Title IX of the U.S. Education Amendments of 1972; Americans with Disabilities Act; Section 504 of the Vocational Rehabilitation Act of 1973; EC §200 et seq.): The District does not discriminate on the basis of gender, gender identity, gender expression, sex, race, color, religion, national origin, ethnic group identification, age, genetic information, mental or physical disability, sexual orientation, immigration status, or the perception of one or more of such characteristics. The District’s policy of nondiscrimination requires notification in native language if the District’s service area contains a community of minority persons with limited English language skills. Notification must state that the District will take steps to assure that the lack of English will not be a barrier to admission and participation in district programs. This policy applies to all students insofar as participation in programs and activities is concerned, with few exceptions such as contact sports. In accordance with federal law, complaints alleging noncompliance with this policy should be directed to the school principal. Appeals may be made to the District superintendent. A copy of the district’s nondiscrimination policies are attached in the Policy Appendix and available upon request. At the time of publication, OUSD’s nondiscrimination policies were under review. For the most up to date information, please visit www.ousd.org/boardpolicies. Further Information on equity and nondiscrimination, including complaint procedures and the contact information for the District’s Title IX Coordinator, is available online at www.ousd.org/ombudsperson.

EDUCATIONAL EQUITY REGARDLESS OF IMMIGRATION STATUS, CITIZENSHIP, OR RELIGION (EC §234.7): Children have a right to a free public education, regardless of immigration status,
citizenship status, or religious beliefs. When enrolling a child, schools must accept a variety of documents from the student’s parent to demonstrate proof of child’s age or residency. No information about citizenship/immigration status or Social Security number is required to enroll in school. Parents have the option to provide a school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for a minor student in the event the parent is detained or deported. Parents have the option to complete a Caregiver’s Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for a minor student. Students have the right to report a hate crime or file a complaint to the school district if they are discriminated against, harassed, intimidated, or bullied on the basis of actual or perceived nationality, ethnicity, or immigration status. The California Attorney General’s website provides “know your rights” resources for immigrant students and family members online at oag.ca.gov/immigrant/rights. OUSD’s Sanctuary District Resolution is attached. Further information is available at www.ousd.org/sanctuary/families.

FINGERPRINTING PROGRAM (EC §32390): Districts are authorized to offer fingerprinting programs for children enrolled in kindergarten or newly enrolled in the District. If the District has adopted such a program, you will be notified of procedures, applicable fee and your right to decline your child’s participation upon your child’s initial enrollment.

CHILDREN IN HOMELESS SITUATIONS (42 USC §11431-11435): Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations.

SEX / HIV EDUCATION

INSTRUCTION IN COMPREHENSIVE SEXUAL HEALTH EDUCATION AND HIV PREVENTION (EC §51938): The District shall annually notify parents about instruction in comprehensive sexual health education and HIV prevention education and research on student health behaviors and risks planned for the school year. Written and audiovisual educational materials used in such education are available for inspection. If arrangement for the instruction is made after the beginning of the school year, parents will be notified no fewer than 14 days prior to the commencement of any such instruction if the District elects to provide the instruction by outside consultants in class or during an assembly. The notice must include the date of instruction, the name of the organization or affiliation of each guest speaker and information stating that the parent has the right to request a copy of the law pertaining to such instruction. Parents have the right to excuse his or her child from all or part of the comprehensive sexual health and HIV prevention education by submitting a written request to the District. Those students whose parents do not submit a written request to excuse them will receive such instruction. The law also authorizes the District, without prior parental consent, to use anonymous, voluntary and confidential research and evaluation tools to measure student’s health behaviors and risks, including tests, questionnaires, and surveys containing age appropriate questions in grades 7 to 12 about the student’s attitudes concerning or practices relating to sex. The District must notify parents in writing before any such test, questionnaire, or survey is administered and provide them with an opportunity to review the materials. Parents have the right to excuse his or her child from such participation by submitting a written request to the school district.

HEALTH INSTRUCTION/CONFLICTS WITH RELIGIOUS TRAINING AND BELIEFS (EC §51240): Upon written request of a parent, students shall be excused from part of any school instruction in health if it conflicts with the religious training and beliefs of a parent.

SCHOOL ATTENDANCE/ATTENDANCE ALTERNATIVES

California law (EC §48980(g)) requires all school boards to inform each student’s parent at the beginning of the school year of the various ways in which they may choose schools for their children to attend other than the ones assigned by school districts. Many resources are available to help you learn about and compare OUSD’s schools, including: the Oakland School Finder, the School Performance Framework and the Options Enrollment Guide, all of which can be accessed at www.ousd.org/enroll.
Attending Options Fairs, open houses and going on campus tours are also great ways to get a feel for different learning communities. See also in Policy Appendix attached OUSD BP 5116.1 and AR 5116.1 Open Enrollment and Intradistrict Open Enrollment, respectively.

Note: At the time of publication, the District’s policies on open enrollment were under review. For the most up to date information, please visit www.ousd.org.

Students who attend schools other than those assigned by the Districts are referred to as “transfer students” throughout this notification. There is one process for choosing a school within the District which the parent lives (intra-district transfer), and potentially three separate processes for selecting schools in other districts (inter-district transfer). The general requirements and limitations of each process are described as follows:

Choosing a School Within District in Which Parent Lives: The law (EC §35160.5(b)) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the District. The law limits choice within a school district as follows:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school’s attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be “random and unbiased,” which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student’s academic or athletic performance as a reason to accept or reject a transfer.
- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the District out of compliance with a court-ordered or voluntary desegregation program.

- Each district may adopt a school selection policy that takes into consideration special circumstances that might be harmful or dangerous to a particular pupil, whether the sibling of the pupil is already in attendance at the school, and/or whether the pupil’s parent is employed at the school.
- If a transfer is denied, a parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents to appeal a decision.

Choosing a School Outside District in Which Parent Lives: Parents have three different options for choosing a school outside the District in which they live. The three options are:

Option 1: Districts of Choice (EC §§48300 through 48315): The law allows, but does not require, each school district to become a “district of choice” — that is, a district that accepts transfer students from outside the District under the terms of the referenced Education Code sections. If the school board of a district decides to become a “district of choice” it must determine the number of students it is willing to accept in this category each year and accept all pupils who apply to transfer until the school district is at maximum capacity. The school district of choice shall ensure that pupils admitted under this article are selected through an unbiased process, that prohibits consideration of factors such as academic or athletic performance, physical conditions, or proficiency in English. If the District chooses not to become a “district of choice,” a parent may not request a transfer under these provisions. Other provisions of the “district of choice” option include:

- Either the District a student would transfer to or the District a student would transfer from may deny a transfer if it will negatively affect the racial and ethnic balance of the District, or a court-ordered or voluntary desegregation plan. A district of choice cannot deny a transfer request on the basis that the costs to provide services exceeds the revenue received, but it may reject a request if doing so would require the creation of a new program. However, the District of choice may not deny the transfer of any special needs student, including an
individual with exceptional needs, or an English Learner student even if the cost to educate the student exceeds the revenue received or the creation of a new program is required. The District a student would be leaving may also limit the total number of students transferring out of the District each year to a specified percentage of its total enrollment, depending on the size of the District.

• Communications to parents by a school district of choice shall be factually accurate and shall not target students based upon academic ability, athletic performance, or other personal characteristics.

• The District of choice must post transfer application information on its website, including any applicable forms, the timeline for a transfer, and an explanation of the selection process.

• All communications from a school district of choice regarding transfer opportunities must be available in all languages for which translations are required in the school district of residence under EC §48985.

• No student who currently attends a school or lives within the attendance area of a school can be forced out of that school to make room for a student transferring under these provisions.

• Entrance priority must be given as follows:
  - Siblings of students already attending school in the “district of choice” must be given first priority.
  - Pupils eligible for free or reduced-price meals must be given second priority.
  - Children of military personnel must be given third priority.

• A parent may request transportation assistance within the boundaries of the “district of choice.” The District is required to provide transportation only to the extent it already does so.

• A school district in which an active military duty parent of a student resides shall not deny the transfer of that student to a school in any district, if the school district to which the parent of the student applies approves the application for transfer.

Option 2: Other Interdistrict Transfers (EC §46600 et seq.): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. Districts of residence may not deny a transfer of a student whose parent is active duty military where the District of proposed enrollment approves the application. The law on interdistrict transfers also provides for the following:

• If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.

Option 3: Parental Employment in Lieu of Residency Transfers (EC §48204(b)): If at least one parent of a student is physically employed in the boundaries of a school district other than the one in which they live for a minimum of 10 hours during the school week, the student may be considered a resident of the school district in which his/her parents work. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race, ethnicity, sex, parental income, academic achievement, or any other “arbitrary” consideration. Other provisions of EC §48204(b) include:

• Either the District in which the parent lives or the District in which the parent works may prohibit the student’s transfer if it negatively impacts a desegregation plan.

• The District in which the parent works may reject a transfer if it determines that the cost of educating the student would be more than the amount of government funds the District would receive for educating the student.

• There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the District approves a greater number of transfers.

• There is no required appeal process for a transfer that is denied. However, the District that declines to admit a student must provide in writing to the parent the specific reasons for denying the transfer.
Open Enrollment Act (EC §48350 et seq.)
Whenever a student is attending a district school on the Open Enrollment List, as identified by the Superintendent of Public Instruction, he/she may apply to transfer to another school within or outside of the District, if the school to which he/she is transferring has a higher Academic Performance Index. Districts with a school on the List must notify the parents at that school on or before the first day of the school year of their option to transfer to another public school. Information regarding the application process and applicable deadlines can be obtained from the District office.

This summary provides an overview of the laws applicable to school attendance for each alternative. Additional information is available upon request and at www.ousd.org/enroll.

NOTICE OF ALTERNATIVE SCHOOLS (EC §58501):
State law authorizes all school districts to provide for alternative schools. Education Code section 58500 defines an alternative school as a school or separate class group within a school that is operated in a manner designed to:
(1) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
(2) Recognize that the best learning takes place when the student learns because of his/her desire to learn.
(3) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may result in whole or in part from a presentation by his/her teachers of choices of learning projects.
(4) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
(5) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located. In the event any parent, student, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal’s office in each attendance area shall have copies of the law available for your information. This law particularly authorizes interested persons to request that the governing board of the District to establish alternative school programs.

GRADE REDUCTION/LOSS OF ACADEMIC CREDIT (EC §48980(i)): No student shall have his/her grade reduced or lose academic credit for any excused absence pursuant to EC §48205 if missed assignments/tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

ABSENCES FOR CONFIDENTIAL MEDICAL SERVICES (EC §46010.1): Students in grades 7-12 and their parents are notified that the law permits schools to excuse students for the purpose of obtaining confidential medical services without parental consent. District policy regarding excusing such absences is available upon request or at www.ousd.org/boardpolicies.

ABSENCE FOR RELIGIOUS INSTRUCTION (EC §46014): Districts may allow pupils with parent consent to be excused to participate in religious exercises/instruction.

NOTICE OF MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS (EC §48980(c)): The District is required to annually notify parents of its schedule(s) of minimum days and student-free staff development days at the beginning of the year or as early as possible, but no later than one month prior to the scheduled minimum or student-free day. (See attached District Calendar.)

MISCELLANEOUS

NON-MANDATORY PROGRAMS FOR PARENTAL/PUPIL PARTICIPATION (EC §49091.18): Schools may not require a student or student’s family to submit to or participate in any assessment, analysis, evaluation, or monitoring of the quality or character of student home life, parental screening or testing, nonacademic home-based counseling program, parent training, or prescribed family educational service plan.

SEX EQUITY IN CAREER PLANNING (EC §221.5(d)): Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity
and allow parents to participate in counseling sessions and decisions.

SEXUAL HARASSMENT POLICY (EC §231.5; 5 CCR §4917): Each district is required to have adopted a written policy on sexual harassment, and shall provide a copy of such policy, as it pertains to students, with the annual notification. (See attached Policy Appendix.) Districts are also required to display such policies in a prominent location and include it in orientation for employees and students.

DRUG FREE CAMPUS (Alcohol and Other Drug Use Prevention Education): Possession, use or sale of narcotics, alcohol, or other controlled substances is prohibited and strictly enforced at all school activities. Records will be forwarded to local law enforcement, and district sanctions will result from violations.

RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS (EC §32255 et seq.): Pupils may choose to refrain from participating in educational projects involving the harmful or destructive use of animals.

EVERY STUDENT SUCCEEDS ACT (20 USC §6301 et seq.): Under ESSA, parents have the following rights:

- Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides: Upon request, parents have a right to information regarding the professional qualifications of their student’s classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects she/he teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the teacher’s college major, whether she/he has any advanced degrees and the subject(s) of those degrees, and whether any instructional aides or paraprofessionals provide services to your child and, if so, their qualifications. The District shall also notify parents if their child has been assigned to or has been taught for 4 or more consecutive weeks by a teacher who does not meet applicable certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

- Information Regarding Individual Student Reports on Statewide Assessments: Upon request, parents have a right to information regarding any State or local policy mandating pupil assessments and the level of achievement of their student on every State and districtwide academic assessment administered to the student.

- Limited English Proficient Students: The Act requires prior notice be given to parents of English learners regarding limited English proficiency programs, including the reasons for the identification of the student as an English learner, the need of placement in a language instruction educational program, the student’s level of English proficiency, how such level was assessed, the methods of instruction used in the programs available, how the recommended program will meet the student’s needs, program performance, parent options to remove a student from a program and/or to decline initial enrollment, and expected rate of transition into classrooms not tailored for English learners. See attached description of Education for English Language Learners. For more information about these programs, please visit the website of the English Language Learner and Multilingual Achievement Office: www.ousd.org/ellma

The information provided above is available upon request from your child’s school or the District office. Additional notices that may be required under the Every Student Succeeds Act shall be sent separately.

UNIFORM COMPLAINT PROCEDURES (5 CCR §4622): The District is required to annually notify parents, pupils, employees, district and school advisory committees and other interested parties in writing of its required Uniform Complaint Procedures. (See attached OUSD Annual Notification of Uniform Complaint Procedures.)

SCHOOL BUSES/PASSENGER SAFETY (EC §39831.5): Districts are required to provide safety regulations to all new students and students who have not previously been transported by school bus. (See attached OUSD Bus Safety Pamphlet)

MEGAN’S LAW NOTIFICATION (PENAL CODE §290.4): Parents and members of the public have the right to review information regarding registered sex offenders at the main office of the local law enforcement agency for this school district.
EXCUSED ABSENCE (EC §48205)
(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
   (1) Due to the pupil’s illness.
   (2) Due to quarantine under the direction of a county/city health officer.
   (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
   (4) For the purpose of attending the funeral services of a member of the pupil’s immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
   (5) For the purpose of jury duty in the manner provided for by law.
   (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
   (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil’s absence is requested in writing by the parent and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
   (8) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
   (9) For the purpose of spending time with a member of the pupil’s immediate family, who is an active duty member of the uniformed services, as defined in section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
   (10) For the purpose of attending the pupil’s naturalization ceremony to become a United States citizen.
   (11) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.
(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
(c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
(e) "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

INVESTING FOR FUTURE EDUCATION (EC §48980(d));
Parents are advised of the importance of investing for higher education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

COMPLAINTS CONCERNING DEFICIENCIES RELATED TO INSTRUCTIONAL MATERIALS, ETC. (EC §35186);
A Uniform Complaint process is available to help identify and resolve deficiencies related to instructional materials, emergency or urgent facility conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. Notice of the complaint process and location at which to obtain a complaint form should be posted in the classrooms. See attached Notice of Complaint Rights. Further information on Williams Uniform Complaint Procedures is available at www.ousd.org/ombudsperson and www.ousd.org/board policies.

SCHOOL ACCREDITATION (EC §35178.4); Districts are required to notify each parent of a pupil in a school that has lost its accreditation status and the potential consequences of the school’s loss of status, in writing or by posting the information on the
school district’s or school’s Internet Website, or by any combination of these methods.

PUPIL FEES (EC §49010 et seq.): The District is required to establish policies concerning the provision of a free education to pupils. The District is also required to establish policies for filing a complaint of noncompliance under this section using the Uniform Complaint Procedures. Notice of the District’s fee policies and complaint process shall be provided to pupils, parents, and employees on an annual basis. (See attached OUSD Annual Notification of Uniform Complaint Procedures and www.ousd.org/board policies for further information).

LOCAL CONTROL AND ACCOUNTABILITY PLAN (EC §§52059.5-52077): The District is required to adopt a three-year Local Control and Accountability Plan (LCAP) and to update the LCAP on or before July 1 of each subsequent year. The LCAP is required to identify annual goals, specific actions geared toward implementing those goals, and must measure progress for student subgroups across multiple performance indicators based on eight priorities set by the State. The priorities must be aligned to the District’s spending plan. The LCAP must be approved before the annual district budget can be adopted. Once the budget and LCAP are adopted at the local level, the plan will be reviewed by the county superintendent to ensure alignment of projected spending toward goals and services. The following are the State priorities:

1. Providing all students access to fully credentialed teachers, instructional materials that align with state standards, and safe facilities;
2. Implementation of and student access to state academic content and performance standards;
3. Parent involvement and participation and family engagement;
4. Improving student achievement and outcomes along multiple measures;
5. Supporting student engagement;
6. Highlighting school climate and connectedness;
7. Ensuring all students have access to a broad course of study;
8. Measuring other important student outcomes related to required areas of study;
9. Coordinating instruction for expelled students; and
10. Coordinating services for foster children.

The Board of Education is required to establish a parent advisory committee (PAC) and English learner parent advisory committee (ELPAC) to provide advice to the Board of Education and the superintendent regarding the LCAP. (ELPACs are required if enrollment in the school district includes at least 15% English learners and the District enrolls at least 50 pupils who are English learners. Districts are not required to establish a new ELPAC if an English learner parent committee has already been established).

Each district is required to consult with its teachers, principals, administrators, other school personnel, local bargaining units, parents, its special education local plan area administrator(s), and pupils in developing the LCAP. As part of this consultation process, districts must present their proposed plans to the PAC and ELPAC. The advisory committees can review and comment on the proposed plan. Districts must respond in writing to the comments of the PAC and ELPAC. Districts are also required to notify members of the public that they may submit written comments regarding the specific actions and expenditures proposed in the LCAP.

Districts must hold at least two public hearings to discuss and adopt (or update) their LCAPs. The District must first hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan, and then adopt (or officially update) the LCAP at a subsequent hearing.

Districts are required to post prominently on the homepage of the school district’s website the LCAP approved by the Board of Education and any updates or revisions to the LCAP, and establish policies for filing a complaint of noncompliance under EC §52075 using the Uniform Complaint Procedures. Information regarding the requirements for a Local Control and Accountability Plan and the complaint process shall be provided to pupils, parents, and employees on an annual basis. You may view the District’s approved LCAP and any updates to it at www.ousd.org/lcap. See attached OUSD Annual Notification of Uniform Complaint procedures.
CLOSED vs. OPEN CAMPUS DURING LUNCH
The following OUSD high schools have closed campuses during lunch, that is students stay on campus for lunch:

• Castlemont
• Fremont
• McClymonds
• Madison
• Park
• Dewey
• Bunche
• Oakland High
• Oakland International
• Life Academy
• CCPA
• Skyline
• Rudsdale

The Governing Board of the Oakland Unified School District, pursuant to Section 44808.5 of the Education Code, has decided to permit the pupils enrolled at Oakland Tech and Met West High Schools to leave the school grounds during the lunch period. Section 44808.5 of the Education Code further states:

“Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section.

All students who leave the school are required to return by the end of lunch. An exception is made for MetWest students who have internships and do not return to campus after lunch. Please contact your child’s high school for its lunch policy.

EDUCATION CODE SECTION 44808.5

See attached OUSD Policy Appendix for additional information on:
Parent Involvement Programs (BP 6020);
Police (BP 5145.11, BP 5145.13, BP 5145.14);
Student Use of Technology/Internet Safety (BP 6163.4, AR 6163.4);
Translation services (BP 5124)
KNOW YOUR RIGHTS

Your Child has the Right to a Free Public Education

• All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students’ parents or guardians.
• In California:
  o All children have the right to a free public education.
  o All children ages 6 to 18 years must be enrolled in school.
  o All students and staff have the right to attend safe, secure, and peaceful schools.
  o All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  o All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

• When enrolling a child, schools must accept a variety of documents from the student’s parent or guardian to demonstrate proof of child’s age or residency.
• You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

• Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
• Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child’s school district must provide parents/guardians with written notice of the school’s directory information policy, and let you know of your option to refuse release of your child’s information in the directory.

Family Safety Plans if You Are Detained or Deported

• You have the option to provide your child’s school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
• You have the option to complete a Caregiver’s Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

• Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.
ANNUAL NOTIFICATION OF
THE UNIFORM COMPLAINT PROCEDURES (UCP)

2019-20

For students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties.

The Oakland Unified School District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district has established Uniform Complaint Procedures to address allegations of unlawful discrimination, harassment, intimidation, and bullying, against any protected group and all programs and activities that are subject to the UCP.

The District encourages the early, informal resolution of complaints at the site level whenever possible. If possible, we ask that you first, please contact your Principal, Department Director or Network Superintendent, if you have a concern.

NON-DISCRIMINATION

The Oakland Unified School District shall investigate all allegations of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs and activities funded directly by or that receive or benefit from any state financial assistance, based on the person’s actual or perceived characteristics of race (hair texture and protective hairstyles — braids, locks, twists) or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in, Education Code 200, 212.1 and 220, Government Code 11135, 12926 or Penal Code section 422.55 or equity or compliance with Title IX, or based on his/her association with a person or group with one or more of these actual or perceived characteristics. School personnel shall take immediate steps to intervene, when it is safe to do so and when he or she witnesses an act of discrimination, harassment, intimidation or bullying.

TITLE IX - SEXUAL HARASSMENT

The Oakland Unified School District is committed to maintaining a safe learning and working environment that is free from harassment and discrimination. Sexual harassment is a form of sex discrimination under Title IX of the U.S. Education Amendments of 1972 and is prohibited by both federal and state laws. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical contact of a sexual nature that is made a condition of learning or that seriously interferes with a student’s ability to learn or creates an offensive, hostile or intimidating learning or work environment. Any student who engages in sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits, engages in, or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. Board Policy 5145.7 (Students) and Board Policy 4119.11 (Personnel). As provided in BP 5145.7, each school site shall identify a person (i.e. Site Title IX Liaison) responsible for addressing student sexual harassment complaints. This person may be the principal or their designee and shall receive training.
The District prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth reasons for the extension.

**STATE & FEDERAL PROGRAMS**

The UCP shall also be used to address complaints alleging failure to comply with state and/or federal laws in:

a. Accommodations for Pregnant and Parenting Students  
b. Adult Education  
c. After School Education and Safety  
d. Agricultural Career Technical Education  
e. American Indian Education Centers and Early Childhood Education Program Assessments  
f. Bilingual Education  
g. California Peer Assistance and Review Program for Teachers  
h. Career Technical and Technical Education, Career Technical, Technical Training (state)  
i. Career Technical Education (federal)  
j. Child Care and Development  
k. Child Nutrition  
l. Compensatory Education  
m. Consolidated Categorical Aid  
n. Course Periods Without Educational Content (grades 9-12)  
o. Economic Impact Aid  
p. Education of Pupils in Foster Care, Pupils who are Homeless or former Juvenile Court, Pupils now enrolled in a school district and Children of Military Families  
q. Every Student Succeeds Act (ESSA)  
r. English Learner Programs  
s. Local Control and Accountability Plans (LCAP)  
t. Migrant Education  
u. Physical Education Instructional Minutes  
v. Pupil Fees  
w. Reasonable Accommodation to a Lactating Pupil  
x. Regional Occupational Centers and Programs  
y. School Plans for Student Achievement (SPSA)  
z. School Safety Plans  
aa. School Site Councils  
bb. Special Education  
cc. State Preschool  
dd. State Preschool Health and Safety Issues in LEAs Exempt from Licensing  
ee. Tobacco-Use Prevention Education (TUPE)

**STATE PRESCHOOL HEALTH AND SAFETY ISSUES**

The district declares that in order to identify appropriate subjects of state preschool health and safety issues pursuant to HSC Section 1596.7925, a notice shall be posted in each California state preschool program classroom in each school in the LEA. The notice shall (1) state the health and safety requirements under 5 CCR that apply to California state preschool programs pursuant to HSC section 1596.7925, and (2) state the location at which to obtain a form to file a state preschool health and safety issues complaint pursuant to HSC Section 1596.7925.

**UNLAWFUL STUDENT FEES**

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

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition of registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.  
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fee complaint shall be filed no later than one (1) year from the date the alleged violation occurred. *Complaints of noncompliance with laws relating to pupil fees should first be filed with the school principal. A pupil fee complaint may be filed anonymously, if the complainant provides evidence or information leading to evidence to support the complaint.

LOCAL CONTROL AND ACCOUNTABILITY PLAN (LCAP)

The Governing Board is required to adopt and annually update the LCAP, in a manner that includes meaningful engagement of parents/guardians, students and other stakeholders in the development and/or review of the LCAP. An LCAP complaint may be filed anonymously, if the complainant provides evidence or information leading to evidence to support the complaint.

FOSTER YOUTH, HOMELESS STUDENT OR FORMER JUVENILE COURT SCHOOL STUDENT OR A CHILD OF A MILITARY FAMILY

The district shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families, as specified in EC sections 48853, 48853.5, 49069.5, 51225.1 and 51225.2, The notice shall include complaint process information as applicable.

A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

A foster youth, homeless student or a former Juvenile Court school student or a child of a military family as defined in Education Code Section 49701, who transfers into a district high school or between district high schools as applicable shall be notified of the district’s responsibility to:

1. Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
2. Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
3. If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

WRITTEN DECISION

The UCP complaint review shall be completed within 60 calendar days from the date of the receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

APPEALS & CIVIL LAW REMEDIES

The complainant has a right to appeal the District’s decision to the California Department of Education (CDE) by filing a written appeal within 15 calendar days of receiving the District’s Decision. The appeal must include a copy of the complaint filed with the District and a copy of the District’s Decision.

Civil law remedies may be available under state or federal antidiscrimination, harassment, intimidation, or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code section 262.3. A complainant may pursue available civil law remedies outside of the District’s complaint procedures, including but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying.
laws, if applicable. Complainants have the right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education’s Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

**FILING A COMPLAINT**

A copy of Board Policy 1312.3: Uniform Complaint Procedures is available free of charge.

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

If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

The District’s Uniform Complaint Procedures (UCP) policy and administrative regulation shall be posted on the district’s website and may be provided through the district supported social media, if available. The UCP shall also be posted in all district schools and offices, including staff lounges and student government meeting rooms.

The Annual Notice shall be in English, and when necessary, in the primary language, pursuant to Education Code Section 48985 or mode of communication of the recipient of the notice. If fifteen (15) percent or more of students enrolled in a particular district school speak a single primary language other than English, the district’s policy, regulation, forms and notices concerning UCP shall be translated into that language (Education Code 234.1, 48985). In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Complaint forms are available at the Office of the Ombudsperson, (1000 Broadway, Suite 150, Oakland, CA 94607). The Uniform Complaint Procedures and complaint forms are also available on the District’s website at: [www.ousd.org/ombudsperson](http://www.ousd.org/ombudsperson).

With the exception of unlawful student fee complaints, which may be filed within one (1) year of the alleged violation; all other uniform complaints must be filed no later than six (6) months after the alleged occurrence.

**COMPLIANCE OFFICER(S)**

Complaints, other than complaints relating to student fees, must be filed in writing with the following compliance officer:

**Mr. Gabriel Valenzuela, Ombudsperson/Title IX Coordinator**, is responsible for the intake and monitoring of all formal District complaints. The Ombudsperson (1000 Broadway, 1st Floor, Suite 150, Oakland, CA 94607) is also responsible for investigating parent/student complaints regarding discrimination, and complaints regarding student suspensions where students were not provided with restorative justice or another alternative approach that is not available at a school site as an alternative to suspension. He is also investigates complaints concerning the program for English Language Learners (ELL) and retaliation for, or interference with, ELL Program advocacy. The Ombudsperson also coordinates Williams Uniform Complaints. Mr. Valenzuela may be contacted at (510) 879-4281, FAX (510) 879-3678 or via email at gabriel.valenzuela@ousd.org.

The Ombudsperson has independent authority to: visit any school or office; speak to any student, staff person or parent/guardian; review any documents to conduct impartial investigations; and attend any meeting without the prior permission from the principal or manager. The Ombudsperson is also available to explain his role and responsibilities to students, staff, parents/guardians and members of
the public. Please contact the Ombudsperson, if you have any questions regarding the District’s Uniform Complaint Procedures (UCP).

Ms. Tara Gard, Deputy Chief, Talent Management, (1000 Broadway, 1st Floor, Suite 150, Oakland, CA 94607) is responsible for investigating complaints alleging discrimination in employment. Ms. Gard may be contacted at (510) 879-0159, FAX: 879-0228 or via email at tara.gard@ousd.org.

Ms. Barbara Parker, Health Services/Section 504 Coordinator, Community Schools & Student Services Department (1000 Broadway, 1st Floor, Suite 150, Oakland, CA 94607) is responsible for coordinating program modifications for students with disabilities covered under Section 504 of the Rehabilitation Act of 1973. She also investigates complaints concerning Section 504. Ms. Parker may be contacted at (510) 879-2742; FAX (510) 879-4605 or via email at 504@ousd.org.

Mr. Jeff Godown, Chief of Police, Oakland School Police Department (1011 Union Street, Oakland, CA 94607), is responsible for coordinating and investigating complaints filed against Oakland School Police Officers and School Security Officers (SSOs). Chief Godown may be contacted at (510) 874-7777, FAX (510) 874-7787 or via email at police@ousd.org.
Williams Uniform Complaint Procedures

The District shall follow the Williams Uniform Complaint Procedures for complaints related only to sufficiency of instructional materials, unsafe or unclean school facilities, teacher vacancies or misassignments.

NOTICE TO PARENTS/GUARDIANS, STUDENTS AND TEACHERS: K-12

COMPLAINT RIGHTS

Education Code 35186 requires that the following notice be posted in each school classroom in each school in the district.

Parents/Guardians, Students and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

(1.) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.

(2.) School facilities must be clean, safe, and maintained in good repair. (a) School restrooms should be cleaned and maintained regularly, be fully operational, and be stocked at all times with toilet paper, soap, paper towels or functioning hand dryers. (b) The school should keep all restrooms open during school hours when students are not in classes; and (c) Keeps a sufficient number of restrooms open during school hours when students are in classes, except for student safety or repair; and (d) For a school that serves students in any grades 6-12 with 40 percent of its students from low-income families, as defined, the school must stock at least half of its restrooms with feminine products at all times and made those products available to students at no cost.

(3.) There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credentials to teach the class, including the certification required to teach English learners, if present.

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

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

All Williams Uniform Complaints will be investigated within forty-five (45) working days. Only facilities concerns regarding unsafe conditions may be appealed to the State Superintendent of Public Instruction.

A complaint form can be obtained at the school office, District office, or downloaded from the district web site at www.ousd.org/ombudsperson. You may also download a copy of the California Department of Education complaint form from: www.cde.ca.gov/re/cp/uc.

Office of the Ombudsperson, 1000 Broadway, Suite 150, Oakland, CA 94607. For more information, please call (510) 879-4281 or send a fax to (510) 879-3678.

ADMINISTRATIVE REGULATION 1312.4
PRESCHOOL COMPLAINT RIGHTS

Education Code 8235.5 requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8235-8239.1).

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:

PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair

2. Drinking water that is accessible and readily available throughout the day

3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children

4. Restroom facilities that are available only for preschoolers and kindergartners

5. Visual supervision of children at all times

6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time

7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district’s Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the district web site at www.ousd.org/ombudsperson. You may also download a copy of the California Department of Education complaint form from the following web site: www.cde.ca.gov/re/cp/uc. However, a
Education for English Language Learners

TIMELINE FOR ENGLISH LANGUAGE LEARNERS AND PARENT NOTIFICATION

1. INITIAL ASSESSMENT

Upon initial enrollment to the District, any student who lists a language other than English on the first three questions of the Home Language Survey will be given two assessments to determine language proficiency:

- The English Language Proficiency Assessment for California (the ELPAC)

These assessments will be administered within 30 days of the student’s first day of school, either at the OUSD Welcome Center or at the school site.

2. INITIAL PARENT NOTIFICATION AND PROGRAM PLACEMENT

Based on the assessment results, within 20 days of the completing the tests, the District will inform parents of their child’s placement in the English Language Acceleration Program (ELAP), via Parent Notification Letter, or a different program such as Dual Language, if the parent chooses that program.

The Parent Notification Letter will be in English and in the parent’s primary language when possible (Spanish, Chinese, Vietnamese, Cambodian and Arabic), and will also include:

- Their child’s test scores and the reasons for their child’s assessment
- Descriptions of instructional programs and how they will help the student become fully proficient in English
- Information about the parent’s right to request that their child not receive certain English Language Learner services (see section below: RECLASSIFICATION AND PARENTS’ RIGHT TO OPT OUT OF INSTRUCTIONAL PROGRAMS)
- Information about parents’ right to participate in school and District advisory committees
- The student’s expected rate of transition to English and the expected rate of secondary school graduation for ELL students

Each student identified as an English Language Learner (ELL) in OUSD is offered English language development and instruction to provide him or her with equal access to the core curriculum. All our programs for English Language Learners are designed to ensure that English Language Learners make rapid progress toward proficiency in academic English language mastery and grade-level content standards. This is in accordance with the Oakland Unified English Language Learner Master Plan, federal and state regulations, and legal mandates.

Our Dual Language programs allow our students the opportunity to learn academic content in two languages and become bilingual and biliterate. Our Newcomer programs provide a safe and welcoming environment that supports newly arrived immigrant students as they learn English while studying the core curriculum. For more information about these programs, please visit the website of the English Language Learner and Multilingual Achievement Office: www.ousd.org/ellma.

Parents may obtain additional information about instructional programs at the Welcome Center, during the Options process, during confirmation of enrollment, or during confirmation of intention to return.

3. ONGOING ANNUAL PARENT NOTIFICATION LETTER

In the fall, parents of English Language Learners will receive an Annual Parent Notification Letter with the same information listed above for the purpose of alerting parents of their English Language Learner child’s instructional program placement and services.
RECLASSIFICATION AND PARENTS’ RIGHT TO CHOOSE INSTRUCTIONAL PROGRAMS

1. OPTING OUT OF ELL SERVICES

Parents have the right to opt out of certain services provided to English Language Learners, and to request dual language/bilingual instruction.

2. DUAL LANGUAGE/BILINGUAL PROGRAM OPTION

Parents may request a bilingual program option for their child.

If parents of 20 or more students who speak the same language in one grade level at the same school request an alternative bilingual program, the school is required to provide this program or OUSD will allow the students to transfer to a school where the program is provided.

For further information or assistance, contact your principal or the Welcome Center at 510-879-4600.

3. REQUIRED ANNUAL LANGUAGE PROFICIENCY TESTS FOR ALL ELL STUDENTS

Students who have already been classified as English Language Learners will take the English Language Proficiency Assessment for California (ELPAC) annually in the Spring at the school site.

ELL students must continue to take the ELPAC annually until they reclassify as Fluent English Proficient.

4. RECLASSIFICATION OF ELLS

To be reclassified as English proficient, students must meet the certain criteria. They must attain a 4 Overall on the ELPAC, be near grade level in reading proficiency as measured by the SRI (or F&P/DRA in the case of 1st graders, who must be ABOVE grade level in both fall and spring) and must receive a positive evaluation from their English Language Arts teacher.
Special Education

The District’s Special Education Department is staffed with certificated, classified, and administrative staff members who educate, support, and advocate for students with special needs. The District provides free and appropriate public education in the least restrictive environment to students ages 3 through 21 years who qualify for Special Education and Related Services. A full continuum of service options is available to students with identified disabilities.

These include:
- Autism
- Deaf-blindness
- Deafness
- Emotional Disturbance (ED)
- Established Medical Disability (EMD)
- Hard of Hearing (HH)
- Intellectual Disability (ID)
- Multiple Disabilities (MD)
- Orthopedic Impairment (OI)
- Other Health Impairment (OHI)
- Specific Learning Disability (SLD)
- Speech or Language Impairment (SLI)
- Traumatic Brain Injury (TBI)
- Visual Impairment, including Blindness

IDENTIFICATION PROCESS

Students are eligible for Special Education when review of assessments by an individualized education plan (IEP) team results in a determination that the student has a disability that adversely affects educational performance and that cannot be corrected without special education or related services. Students may be referred for testing by a parent, teacher, other school staff, or agency personnel to the following teams, based on students’ ages:

- birth to 5 years—Infant/Preschool Diagnostic Team
- school-age students attending Oakland Public Schools—Resource Specialist at the school of attendance

Any parent suspecting that a child has exceptional needs may request, through their school principal, an assessment for eligibility for special education services. Special education assessments are conducted by qualified District staff within 60 days of receiving the parents’ written consent to a formal assessment plan. A written report of the testing results is shared with the parents at an Individualized Education Plan (IEP) meeting. The assessments must identify any suspected disability, any adverse effects on the student’s achievement (e.g., low performance), and any areas of need. Using this information, the IEP team determines eligibility, goals, and objectives for the educational program and an appropriate special education program or service for the student.

PROGRAMS AND SERVICES

Every public school in Oakland has a Resource Specialist Program (RSP). A resource specialist is a case manager for referrals and provides services for students who need less than half a day of special education support. For students requiring very specialized instruction (hearing impaired, visually impaired, autistic, etc.), the District offers Special Day Class (SDC) and Emotionally Disturbed (ED) programs at all grade levels throughout the District. Many students who receive special education require related services in one or more areas in order to benefit from their educational program. Some of these services are speech and language, orientation and mobility instruction, physical or occupational therapy, assistive technology, adaptive physical education, and brailing. More information concerning student eligibility, parental rights and procedural safeguards, and programs is available upon request by contacting our Special Education Department at 879-8670. The office is located at 1011 Union Street.

EDUCATION CODE SECTIONS 56000, 56030–56050, 56301, 56325; BOARD POLICY 6164.4

The district provides transportation services, such as bus passes, to special education students who have transportation services as part of their IEP. Call our Special Education Department at 879-8670 for additional information.
STUDENTS WITH PHYSICAL OR MENTAL DISABILITIES

OUSD prohibits discrimination and harassment in any program or activity on the basis of mental or physical disability. Parents or students who have questions or complaints regarding eligibility, program modifications, or accommodations for individuals with mental or physical disabilities should contact their child’s school site administrator or the Special Education Department) at 879-8670. BOARD POLICY 6164.4, BOARD POLICY 6159.1

What is Section 504?

No otherwise qualified individual with a disability...shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Section 504 of the Rehabilitation Act of 1973.

Section 504 is a civil rights law. To meet the criteria for Section 504 protections, a child must:

• have a physical or mental impairment that substantially limits one or more major life activities,
• have a record of such impairment, or be regarded as having such impairment.

Under Section 504, a plan may be developed to assist students with disabilities that require accommodations in order to access the general education program.

Please visit www.ousd.org/studentswithdisabilities to download a brief booklet for parents about Section 504 policies.

Frequently Asked Questions About Section 504

What is a “major life activity”?

Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

What are some examples of disabilities that might substantially limit a major life activity?

• Attention Deficit Disorder
• Cancer
• Chronic Asthma
• Cystic Fibrosis
• Diabetes
• Physical disabilities
• Seizure Disorder
• Severe Allergies
• Sickle Cell Anemia
• Temporary disabilities

Who decides if a student meets the criteria under Section 504 of the Rehabilitation Act of 1973?

The school's Section 504 team conducts an evaluation to determine if the student meets the criteria as disabled under federal law. The team determines if the student’s disability/physical or mental impairment substantially limits a major life activity.

What are examples of assistance that can be provided in a Section 504 plan?

• Seating in the front of the class
• Creating a behavior support plan
• Testing accommodations
• Alternative formats of classroom materials
• Providing additional time for homework assignments
What rights do parents/guardians have under Section 504 of the Rehabilitation Act?

Written notification of any decisions concerning the identification, evaluation, and/or accommodations Information needed to appeal any such decisions; and examination of relevant records

How is a Section 504 complaint made?

A written Section 504 complaint that involves the following may be referred to the site administrator and/or Section 504 designee:

- Disagreement with decision or action taken or not taken in regard to a student’s Section 504 evaluation or plan and/or
- Discrimination/harassment that is based on a student’s actual or perceived disability.

Please note that discrimination/harassment complaints must be filed within six months from the date that the last incident(s) occurred. Local school site resolutions are encouraged. However, if the complaint cannot be resolved, a written complaint may be filed with the District 504 Coordinator

Complaint forms are available at school sites and online at [www.ousd.org/ombudsperson](http://www.ousd.org/ombudsperson). The Office of the Ombudsperson is located at 1000 Broadway, Suite 150, Oakland, CA 94607. The telephone number is 879-4281, fax 879-3678, and you can email the Ombudsperson at: gabriel.valenzuela@ousd.org.

Where can I obtain further information or assistance?

Ask for more information at your child’s school site or contact: Dr. Barbara Parker, Health Services Coordinator/District 504 Coordinator at 1000 Broadway, Suite 150, Oakland, CA 94607 Email: 504@ousd.org

Board Policy 6164.
**PROMOTION AND GRADUATION REQUIREMENTS**

Students in Oakland are promoted to the next grade when they demonstrate the mastery of key subject areas in each grade. It is important that students come to class every day, in order to have access to as much instruction as possible. Students who do not pass four core subjects in middle school will not participate in promotion ceremonies, but will be allowed to progress to high school. Check [www.ousd.org](http://www.ousd.org) for updated Board policy on elementary, middle and high school promotion and retention requirements.

**High School Promotion and Graduation**

High school students must meet the following four minimum requirements in order to graduate:

- 230 credits in required subjects (semester course = 5 credits, year course = 10 credits)
- Grade Point Average (GPA) of 2.0 (Total)
- Completion of a senior project (requirements determined by school)

Student who fail courses required for graduation are expected to attend afterschool programs, summer school, or retake courses during the next semester. Most schools offer alternate options to make up courses such as credit recovery, independent studies, or online credit recovery programs.

Effective for the 2016-17 school year, students will progress through the grade levels by demonstrating growth in learning and by meeting grade-level standards of expected student achievement. Students shall be placed at the appropriate grade level based on the number of credits earned each year in grades 9-12. Accordingly, the following minimum number of credits must be earned for each grade level to be promoted, based on the 230-credit requirement for graduation.

- Grade 10: 50 credits
- Grade 11: 110 credits
- Grade 12: 170 credits

The school administration may promote a student at any time during the school year when students have earned the minimum number of credits required for advancement to the next grade level.

Most four-year colleges require additional coursework beyond OUSD graduation requirements. To be eligible for application to any University of California (UC) or California State University (CSU) college, a student must complete the “a–g” requirements by earning a grade of C or better in a specific set of courses (see the chart below). It is very important to monitor your child’s progress in fulfilling the “a–g” requirements for college eligibility.

### Advanced Placement & International Baccalaureate

Students may enroll in Advanced Placement (AP) classes and take the national AP exams. Students who earn a 3, 4, or 5 on the AP exam may earn college credits at a post-secondary institution.

### Advanced Placement & International Baccalaureate Exam Fees

Eligible high school students may receive financial assistance from the school district to cover all or part of the costs of the advanced placement examination fees or the International Baccalaureate examination fees, or both. Please contact your high school for more information.

EDUCATION CODE Section 52242

### California High School Proficiency Exam (CHSPE)

5 CCR 11523 - Requires the principal of a school maintaining grades 11 and 12 to distribute an announcement explaining the California High School Proficiency Examination provided under EC 48412. Notification to be made in time sufficient to enable interested pupils to meet examination registration requirements for fall test.

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

<table>
<thead>
<tr>
<th>SUBJECT AREA</th>
<th>OUSD GRADUATION AND “A---G” REQUIREMENTS FOR UC/CSU ADMISSION</th>
<th>MEETS OR EXCEEDS UC/CSU ADMISSION REQUIREMENTS?</th>
</tr>
</thead>
<tbody>
<tr>
<td>a: Social Studies</td>
<td>30 credits (3 years); 1 year U.S. History, 1 year World History, ½ year American Government, ½ year Economics</td>
<td>☑ 20 credits (2 years)</td>
</tr>
<tr>
<td>b: English</td>
<td>40 credits (4 years) of college---prep English (English 1, 2, 3, 4, and/or AP English Language &amp; AP English Literature). May include ELD 5 for 10 credits</td>
<td>☑ 40 credits (4 years)</td>
</tr>
<tr>
<td>c: Math</td>
<td>30 credits (3 years); including Algebra, Geometry, and Advanced Algebra, or a higher course</td>
<td>☑ 30 credits (3 years; 4 credits recommended)</td>
</tr>
<tr>
<td>d: Lab Science</td>
<td>30 credits (3 years), including 10 credits of a biological science, 10 credits of physical science, plus 10 credits of an additional science course</td>
<td>☑ 20 credits (2 years, 3 recommended)</td>
</tr>
<tr>
<td>e: Language other than English</td>
<td>20 credits (2 years) of the same language</td>
<td>☑ 20 credits (2 years)</td>
</tr>
<tr>
<td>f: Visual and Performing Arts</td>
<td>10 credits (1 year). Must be 1 year of the same VPA course</td>
<td>☑</td>
</tr>
<tr>
<td>g: College---Prep* Elective</td>
<td>10 credits (1 year) of a year---long course</td>
<td>☑</td>
</tr>
<tr>
<td>Other Electives</td>
<td>40 credits (ex: leadership, journalism)</td>
<td>--------</td>
</tr>
<tr>
<td>Physical Education</td>
<td>20 credits (2 years); P.E. or JROTC except where nonparticipation is authorized by the Education Code or Board of Education</td>
<td>--------</td>
</tr>
<tr>
<td>Other Requirements</td>
<td>2.0 Grade Point Average</td>
<td>SAT or ACT Test</td>
</tr>
<tr>
<td>Total</td>
<td>230 Credits</td>
<td>15 courses</td>
</tr>
<tr>
<td></td>
<td>Completion of Senior Project/ Graduate Capstone</td>
<td>Grades of “C” or higher in all “a---g” courses</td>
</tr>
</tbody>
</table>

Graduates must also earn a 2.0 Grade Point Average (GPA) and complete a Senior Project/Graduate Capstone.

Beginning in 7th grade, parents will be notified in advance of career counseling, course selection, and pathways opportunities to promote sex equity and allow parents to participate in counseling sessions and decisions.

* University of California Office of the President (UCOP) approves certain courses as “college-prep” level. See OUSD Doorways list for additional information: www.ucop.edu/doorways
Career Technical Education

Career Technical Education programs (CTE) prepare students to enter today’s competitive workforce. CTE courses support the California Common Core State Standards and CTE Model Curriculum Standards, preparing students for a successful high school experience, postsecondary options and the world of work. CTE classes are structured around Programs of Study (POS) that involve a non-duplicative, multi-year sequence of courses that supports and integrates core academic knowledge with industry specific CTE Model Curriculum Standards. These courses begin in high school and lead to postsecondary courses that culminate in an industry recognized certificate, credential or degree. For more information, please visit: www.ousd.org/linkedlearning or www.cde.ca.gov/ci/ct.

OUSD students may meet with counselors during their 9th grade year to map out a course of study that meets the A-G requirements, graduation requirements and leverages student talents and interests. Students will select Linked Learning pathways that provide the most interest and relevance to students and will provide a series of CTE courses that support college, career and community readiness.

At the time of publication, graduation requirements were under review. For the most up to date information, please visit www.ousd.org.

EDUCATION CODE SECTIONS 48980 (K), (L); BOARD POLICY 6141.5, ADMINISTRATIVE REGULATION 6141.5. EDUCATION CODE SECTIONS 51229; BOARD POLICIES 6143, 6146.1; ADMINISTRATIVE REGULATION 6146.1

Enrollment in Course with No Educational Content or Previously Completed Satisfactorily

Beginning in the 2016-17 school year, Education Code Sections 51228.1 and 51228.2 prohibit districts from assigning a student enrolled in grades 9-12 to any “course period without educational content” for more than one week in any semester, or to any course previously completed satisfactorily unless certain conditions are met, including written parent consent.

The law does not apply to alternative schools, community day schools, continuation high schools, opportunity schools, dual enrollment in community college, evening high school programs, independent study, work-based learning or work experience education, and other courses authorized in Education Code 51700-51879.9 (e.g., community service class, correspondence course, driver training, etc.).

Any complaint that a student has been assigned to a course in violation of these laws may be addressed through the District’s Uniform Complaint Procedures.

EDUCATION CODE Section 51228.3, 5 CCR 4600-4687.

Cal Grant Program

By January 1 of a pupil’s grade 11 academic year, a school district or charter school must provide written notice to each grade 11 pupil and, for a pupil under 18 years of age, his/her parent/guardian, that the pupil will be automatically deemed a Cal Grant applicant unless the pupil opts out. The deadline to opt out must not be less than 30 days from the date of the notice. Until a pupil turns 18 years of age, only a parent/guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself/herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent/guardian to opt out. The notice must indicate when the school will first send grade point averages to the Student Aid Commission and the submission deadline of October 1.

EDUCATION CODE 69432.9 –CE 69432.9

A Cal Grant is money for college that does not have to be paid back. To qualify, a student must meet the eligibility and financial requirements as well as any minimum grade point average (GPA) requirements. Cal Grants can be used at any University of California, California State University or California Community College. Some independent and career colleges or technical schools in California also take Cal Grants. In order to assist students applying for financial aid, all students in grade 12 are automatically considered a Cal Grant applicant and each grade 12 student’s GPA will be submitted to
the California Student Aid Commission (CASC) electronically no later than October 1 of each academic year by a school or school district official. A student, or the parent/guardian of a student under 18 years of age, may complete a form to indicate that he/she does not wish for the school to electronically send CASC the student’s GPA. Students must still complete a Free Application for Federal Student Aid (FAFSA) or CA Dream Act Application (CADAA) to be eligible for a Cal Grant.

Foster youth exemption from local graduation requirements

Foster, homeless, juvenile justice youth, and students in newcomer programs are allowed educational rights, that may include: immediate enrollment, remain in school of origin, enrollment in local comprehensive school, partial credits, graduation with state minimum requirements with possible fifth year/ exemption from local graduation requirements, and access to academic resources, services and extracurricular activities. A local educational agency must provide a remedy to the affected pupil following the Uniform Complaint Procedures, including information regarding exemption from local graduation requirements, if educational rights are not allowed at the public high school.

EDUCATION CODE 48853, 49069, and 51225.2

WEB RESOURCES FOR UC AND CSU ADMISSIONS

Web resources for University of California (UC) and California State University (CSU) Admissions requirements:

www.tinyurl.com/agcertifiedcourses
You can search for your student’s school, and this site lists all the courses offered by OUSD that have been certified to meet one of the “a-g” requirements.

www.universityofcalifornia.edu/admissions/freshman/requirements
This is a “one-stop shop” for everything you need to know about UC admission requirements for incoming freshmen.

www.calstate.edu/admission
This site provides all CSU admissions requirements for incoming freshmen.

www.csumentor.edu/planning/high_school
CSUMentor is an online student ‘portal’ designed to help students plan for college while they’re in high school.

www.californiacolleges.edu

SUPPORTS TO HELP STUDENTS GRADUATE

GED certification is an alternative to earning a high school diploma for students who are extremely deficient in high school credits. Classes are offered in multiple locations throughout Oakland. GED preparation programs are located at Dewey, Rudsdale and McClymonds High Schools. GED assessment and testing services are provided at McClymonds. For more information, call the Office of Adult Education at 273-2300.

Academic Recovery is generally summer school offered to high school students who have received a “D” or “F” grade in a core course. These courses can be used for academic credit to help students graduate on time. Applications are required to be considered for admission, and are not a guarantee of enrollment. For more information, please visit www.ousd.org/summerlearning.

Independent Study is a voluntary educational option in which seventh through twelfth grade students work independently under the general supervision of a credentialed teacher. While Independent Study students follow the District-adopted curriculum and meet the District graduation requirements, Independent Study offers flexibility to meet individual interests and styles of learning. For more information, call Sojourner Truth Independent Study at 729-4308.

Apex is a computer-based program that allows students to earn credits toward graduation by receiving instruction and taking tests through the internet at school. Please speak with the principal or counselor at your high school for more information, or to determine how Apex is available at your school.
Alternative Schools of Choice are voluntary programs that adapt educational programs tailored to meet students’ individual needs. Alternative schools provide a vehicle for new methods of teaching and new ways of learning in our changing society.

- **Emiliano Zapata Street Academy** offers a highly personalized college preparatory program that specifically targets students who have not previously done well in school. For more information call 874-3630.

- **Oakland International High School** provides an English language immersion program for immigrant and refugee students. For more information call 597-4287.

- **Gateway to College at Laney College** is a program offered on the campus of Laney College that supports 16-20 year old students who have dropped out of high school. The program provides dual enrollment for students who wish to pursue a high school diploma while concurrently working on AA degree. For more information, call 986-6941.

**Continuation Education** programs are designed to meet the needs of students 16-19 years of age who are at risk of not graduating. Continuation Schools provide an opportunity for students to earn a high school diploma and/or prepare for advancement to community college and career options.

- Dewey High School, 874-3660
- Rudsdale High School, 729-4303
- Ralph J. Bunche High School, 874-3300

**Community Day Schools** serve students under expulsion order. This program features very small class sizes, case management and counseling services, and behavior modification structures. For more information, call 531-6800.

**Home and Hospital Instruction** is designed to meet the needs of students who are medically incapable of attending traditional schools or alternative programs such as Independent Study. Upon authorization from a supervising physician, a credentialed teacher is assigned to work with the student either in the family’s home or in a regional hospital or other medical facility. For more information, call 597-4294.

**Alternative Education Enrollment**: For enrollment in Alternative Education schools and more information, please contact the Alternative Education Placement Specialist at 273-1621 and visit [www.ousd.org/enroll](http://www.ousd.org/enroll).
TRANSPORTATION SAFETY INFORMATION

Pupils transported in a school bus shall be under the authority of, and responsible directly to the driver of the bus. Continued disorderly conduct or persistent refusal to submit to the authority of the bus driver shall be sufficient reason for be denied transportation.

California Administrative Code, Title 5, Section 14263

School bus rules of conduct are established first and foremost to ensure that all students have a safe ride to and from the destinations. The school bus is an extension of the classroom, and appropriate behavior is expected at all times. For those who are unable to follow the established rules, a series of sanctions are applied that are appropriate to the offense. Remember, riding the school bus is a privilege, not a right.

Tips for Walking To and From the Bus Stop & Crossing the Street

1. Go directly to the bus stop and directly home at the end of your bus ride. Plan and use the safest route with the fewest stops.
2. If possible, cross at a signaled intersection. Always use the crosswalk. Whenever students cross any street, they must remember to stop, listen, look left, look right and look left again, and over your shoulder before crossing the street. Continue to look as you cross the street.
3. Students needing to cross the street in which the bus is stopped to load students must wait for the school bus driver to exit the bus, stop traffic and escort the students across the street in front of the bus.
4. Do not dart from between parked cars or shrubbery.
5. Students should NOT talk to strangers, or accept rides from strangers.
6. Arrive early, but no more than 10 minutes before the bus is due to arrive. Avoid running, or distractions when crossing streets or approaching the bus.
7. Be careful during times of sunrise and sunset, bad weather, and during darkness. Wear something reflective or white clothing when possible.
8. Students who are walking home from the bus stop should know how to get home without an adult escort.
9. Always let your bus driver be the first person off the bus. The driver may need to activate the bus’s “red lights” that flash on the outside of the bus. This warns cars to stop for children at each bus stop and for children crossing the street. Never play in the street.

Bus Conduct & Safety Rules

1. Students are to respect the property at the bus stop and conduct themselves in an orderly manner while waiting for the bus. As the bus arrives, students should be at least twelve (12) feet back from the bus until it has come to a complete stop and the driver has opened the bus door. Student conduct at the bus stop should be the same as required on school grounds. Actions such as littering, spitting, throwing any object, vandalism, pushing, shoving, smoking, and harassment of others will not be tolerated.
2. As required by VC 22112, when students need to cross a street or road upon which the school bus is stopped, the driver shall activate the flashing light system. When safe to do so, the drive of the school bus is required by law to escort students in grades K through 8 across the street using a hand-held stop sign. Students shall always cross the street in front of the bus, but not until they have been instructed to do so. Students will walk, not run, completely across the roadway.
3. Students shall fasten any passenger restraint systems and keep them fastened during the entire bus ride.
4. The bus driver will determine the order of students’ entrance and seating on the bus.
5. Once aboard the bus, students are to find their seats quickly and remain seated at all times, facing front while the bus is in motion. They are to stay seated until the bus comes to a full and complete stop.
6. Orderly behavior is required while aboard the bus. Abusive body contact (fighting, slapping, hitting, poking, shoving, etc.) is not permitted. Students are to talk quietly. Shouting, yelling, boisterous behavior, horseplay, profane language, obscene gestures, or any unnecessary
noise may distract the attention of the driver and therefore is prohibited for the safety of all passengers.

7. Students are to keep all body parts inside the bus at all times. Littering, vandalism, or throwing anything on or out of the bus will not be permitted.

8. Eating, drinking, and gum chewing are not allowed on the bus. No smoking is allowed on the bus at any time.

9. Animals (mammals, birds, reptiles, fish, insects, etc.), unprotected glass containers, skateboards, aerosol cans of any type, matches, lighters, radios, dangerous objects such as knives, scissors, guns or alcoholic beverages and drugs may not be carried aboard the bus.

10. Students must never open, close or tamper with any part of the bus or its equipment, unless specifically instructed to do so by the driver. Students are to stay out of the driver’s compartment unless instructed to do so by the driver, or an emergency requires a student to secure the bus.

11. Parents/guardians are liable for any damage caused by their students. Students may be subject to discipline.

12. Students are to stay out of the DANGER ZONE.

13. The DANGER ZONE is the space around the school bus. It radiates out from the school bus by 12 feet. The school bus driver cannot see students in these zones. Students are to move away from the bus door quickly and stay clear of the wheels. They are not to go after anything that rolls or falls under or in front of the bus. They are to tell the driver about it. Never reach back into the bus through the window.

Thank you for reading and understanding the information included in this pamphlet. This information has been provided to assist parents and students in understanding in the necessary safety measures to insure the safe transportation of your children. Please discuss this information with your student. Please understand that your student will be responsible for abiding by these rules. Please be aware that your student’s transportation privileges may be revoked for failure to follow the information provided in this pamphlet. If you have any questions, please do not hesitate to call the Transportation Department Office at 510-879-8181.
Reaffirming District Facilities, Programs Are A Sanctuary for All Children and Adults
Resolution No. 1617-0089

WHEREAS: All students have a right to attend school free of fear, bullying and discrimination;

WHEREAS: The Board of Education embraces the diversity of our students and families and the rich language and cultural assets they bring to our District and strongly supports and encourages the participation of all parents and families in our schools;

WHEREAS: Our City and County, just like many major cities in the United States, is the home and workplace of many diverse communities, including persons of different faiths, racial and ethnic backgrounds, and varying immigration status;

WHEREAS: The 2016 presidential election has created an atmosphere of fear among immigrants, Muslims and other vulnerable groups in Oakland;

WHEREAS: Within the last few months, federal, state and local government officials throughout the country have proposed or passed laws and ordinances that propose stemming the tide of undocumented immigrants by cutting off opportunities for jobs, government benefits, housing, and imposing fines on companies employing undocumented immigrants, thereby increasing tensions in immigrant communities;

WHEREAS: Reports of potential raids by the U.S. Immigration and Customs Enforcement Office (ICE) have caused immigrant communities to fear sending and/or accompanying their children to schools and leaving their homes, even for needed medical services; and

WHEREAS: ICE activities in and around schools, early education centers, and adult school facilities would be a severe disruption to the learning environment and educational setting for students.

WHEREAS: The United States Supreme Court has ruled that public schools were prohibited from denying students access to elementary and secondary public education based on their immigration status, citing that children have little control over their immigration status, the lifelong harm it would inflict on the child and society itself, and constitutional equal protection rights;

WHEREAS: On November 8, 2016, California voters passed Proposition 58, which recognizes the value and importance of students graduating from our schools proficient in both English and one or more other languages and a diverse student population greatly helps in accomplishing this goal;

WHEREAS: While there are no accurate numbers of how many undocumented children are enrolled in our District’s public schools, approximately 50% of our District’s students speak a language other than English at home and approximately 50 native languages are spoken by families whose children are enrolled in our District;

WHEREAS: Reports of hate crimes directed at Muslims and others perceived as Middle Eastern or Muslim have increased in recent months;

WHEREAS: Bullying or discrimination, for any reason, is harmful to students’ feelings of safety and belonging, as well as their academic success; and

WHEREAS: On January 9, 2008, the Governing Board of Education of the Oakland Unified School District enacted Resolution No. 0708-0139 entitled “Oakland Board of Education Commitment to the Education of all Immigrant Children” and the current Board of Education intends to amend, restate and re-affirm its intent with the enactment of this Resolution No. 1617-0089 C‘Resolution’1,

NOW, THEREFORE, BE IT RESOLVED: That in response to a growing fear that reports of actual or possible ICE raids are having or will have a chilling effect on the educational rights of immigrant students and families, the Board of Education, in solidarity with immigrant community organizations, hereby restates its position that all students have the right to attend school regardless of the immigration status of the child or of the child’s family members;

BE IT FURTHER RESOLVED: That the Board of Education states that all District students, who register for the following services
and meet the federal and state criteria, are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, even if they or their family are undocumented and do not have a social security number and that no school district staff shall take any steps that would deny students access to education based on their immigration status or any steps that would “chill” the rights of these students to public education;

BE IT FURTHER RESOLVED: That the Board recognizes that students have a need to understand history and politics, and supports the academic freedom of teachers to both teach and discuss current events with students as aligned with common core standards and OUSD Board policies;

BE IT FURTHER RESOLVED: That the Board declares its commitment that every District site be a welcoming place for all students and their families and encourages the Superintendent to increase and enhance partnerships with community-based organizations and legal services organizations who provide resources for families facing deportation;

BE IT FURTHER RESOLVED: In order to provide a public education, regardless of a child’s or family’s immigration status, absent any applicable federal, state, local law or regulation or local ordinance or court decision, the District shall abide by the following:

1. District personnel shall not treat students differently for residency determination purposes on the basis of their actual or perceived immigration status and shall treat all students equitably in the receipt of all school services, including but, not limited to, the free and reduced lunch program, transportation and educational instruction.

2. District personnel shall review the list of documents that are currently used to establish residency and shall ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.

3. District personnel shall not inquire about a student’s immigration status, including requiring documentation of a student’s legal status, such as asking for a green card or citizenship papers, at initial registration or at any other time.

4. District personnel shall not make unreasonable inquiries from a student or his/her parents for the purpose of exposing the immigration status of the child or his/her family.

5. District personnel shall not require students to apply for Social Security numbers nor should the District require students to supply a Social Security number.

6. If parent and or students have questions about their immigration status, school personnel shall not refer them to ICE but should instead refer them to community-based and legal organizations that provide resources for immigrant families and families facing deportation.

7. Because it is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit, any request by ICE to visit a school site should be forwarded to the Superintendent’s Office for review, in consultation with District legal counsel, who, within legal boundaries, will take action to support students, families, and staff and will immediately notify the Oakland Immigrant Legal Representation and Rapid Response Network or similar organization.

8. All requests for information or documents by ICE should be forwarded to the Superintendent, who in consultation with District legal counsel, shall determine if the information and/or documents can be released to ICE.

9. If ICE comes to a school site unannounced to interrogate or take custody of a student, staff will notify the ICE agents of Board Policy 5145.13 and will make every effort to follow that Policy, as well as notify the Superintendent’s Office, who will notify the Oakland Immigrant Legal Representation and Rapid Response Network or similar organization.

10. District legal counsel, and other District personnel as designated by the Superintendent, will review the impact of changes in federal immigration laws programs such as Deferred Action for Childhood Arrivals (DACA) and work to prevent and mitigate the negative impact on both students and employees from the collection or storage of any personally identifiable information for immigration enforcement purposes.

11. District personnel will take all reasonable measures so that after school providers and other service providers that have access to student, family or employee information will also follow the actions described herein.
BE IT FURTHER RESOLVED: That the Board would like to see all OUSD-authorized schools adopt similar resolutions or take steps to ensure that their facilities and programs are also sanctuaries for immigrant, Muslim (and others perceived as Middle Eastern or Muslim) and any other vulnerable students;

BE IT FURTHER RESOLVED: That the Superintendent shall ensure that all teachers, school administrators and school and District office staff will be appropriately and adequately trained on how to implement this Resolution; and parents/guardians will receive notification in various languages of this resolution to fully inform families of their rights in the District;

BE IT FURTHER RESOLVED: That the Superintendent shall prepare an implementation plan defining partnerships with community organizations and training and support for school site employees and report back to the Board of Education within ninety (90) days of this Resolution’s enactment date and from time to time thereafter as requested by the Board of Education; and finally;

BE IT FURTHER RESOLVED: That the Board instructs the Superintendent to distribute copies of this Resolution within thirty (30) days of the Resolution’s enactment date, translated into all appropriate languages, to all school sites (including District-authorized charter school sites), and ensure that the District’s ELL Subcommittee and Site ELL Subcommittees, the Oakland Mayor’s Office, and Oakland immigrant community organizations are consulted and involved in monitoring the successful implementation of this Resolution.

PASSED AND ADOPTED this 14th day of December, 2016, by the following vote:

AYES: Roseann Torres, Shanthi Gonzales, Aimee Eng, Jumoke Hinton Hodge, Jody London, Vice President Nina Senn, President James Harris

NOES: None

ABSTAIN: None

ABSENT: None

Signed by James Harris, President of the Board of Education, Oakland Unified School District

Signed by Antwan Wilson, Secretary, Board of Education of the Oakland Unified School District

File ID Number: 16-2569
Introduction Date: 12/14/16
Enactment Number: 16-1869
Enactment Date: 12/14/16
By: OA

Resolution 1617-0089, v3 – As Amended On Floor – Adopted – 12/14/16
Prescription opioids can be used to help relieve moderate-to-severe pain and are often prescribed following a surgery or injury, or for certain health conditions. These medications can be an important part of treatment but also come with serious risks. It is important to work with your health care provider to make sure you are getting the safest, most effective care.

WHAT ARE THE RISKS AND SIDE EFFECTS OF OPIOID USE?

Prescription opioids carry serious risks of addiction and overdose, especially with prolonged use. An opioid overdose, often marked by slowed breathing, can cause sudden death. The use of prescription opioids can have a number of side effects as well, even when taken as directed:

- Tolerance—meaning you might need to take more of a medication for the same pain relief
- Physical dependence—meaning you have symptoms of withdrawal when a medication is stopped
- Increased sensitivity to pain
- Constipation
- Nausea, vomiting, and dry mouth
- Sleepiness and dizziness
- Confusion
- Depression
- Low levels of testosterone that can result in lower sex drive, energy, and strength
- Itching and sweating

RISKS ARE GREATER WITH:

- History of drug misuse, substance use disorder, or overdose
- Mental health conditions (such as depression or anxiety)
- Sleep apnea
- Older age (65 years or older)
- Pregnancy

Avoid alcohol while taking prescription opioids. Also, unless specifically advised by your health care provider, medications to avoid include:

- Benzodiazepines (such as Xanax or Valium)
- Muscle relaxants (such as Soma or Flexeril)
- Hypnotics (such as Ambien or Lunesta)
- Other prescription opioids

As many as 1 in 4 people receiving prescription opioids long term in a primary care setting struggles with addiction.

* Findings from one study
Know Your Options

Talk to your health care provider about ways to manage your pain that don’t involve prescription opioids. Some of these options may actually work better and have fewer risks and side effects. Options may include:

- Pain relievers such as acetaminophen, ibuprofen, and naproxen
- Some medications that are also used for depression or seizures
- Physical therapy and exercise
- Cognitive behavioral therapy, a psychological, goal-directed approach, in which patients learn how to modify physical, behavioral, and emotional triggers of pain and stress.

If You Are Prescribed Opioids for Pain:

- Never take opioids in greater amounts or more often than prescribed.
- Follow up with your primary health care provider within ____ days.
  - Work together to create a plan on how to manage your pain.
  - Talk about ways to help manage your pain that don’t involve prescription opioids.
  - Talk about any and all concerns and side effects.
- Help prevent misuse and abuse.
  - Never sell or share prescription opioids.
  - Never use another person’s prescription opioids.
- Store prescription opioids in a secure place and out of reach of others (this may include visitors, children, friends, and family).
- Safely dispose of unused prescription opioids: Find your community drug take-back program or your pharmacy mail-back program, or flush them down the toilet, following guidance from the Food and Drug Administration (www.fda.gov/Drugs/ResourcesForYou).
- Visit www.cdc.gov/drugoverdose to learn about the risks of opioid abuse and overdose.
- If you believe you may be struggling with addiction, tell your health care provider and ask for guidance or call SAMHSA’s National Helpline at 1-800-662-HELP.

Be Informed!

Make sure you know the name of your medication, how much and how often to take it, and its potential risks & side effects.

Learn More | www.cdc.gov/drugoverdose/prescribing/guideline.html
POLLICY APPENDIX
In the following texts, “Board” and “Governing Board” refer to the Oakland Board of Education. All OUSD Board policies ("BP") and administrative regulations ("AR") referenced below can be viewed online at www.ousd.org/boardpolicies. As policies are continually under review, please visit www.ousd.org/boardpolicies for the most up to date information.

APPENDICES A–D

APPENDIX A: ADMINISTRATIVE REGULATION 5111.1
CRITERIA FOR RESIDENCY

Prior to admission in district schools, students shall provide proof of residency. A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria: 1. The student’s parents/guardians reside within district boundaries. 2. The student is placed within district boundaries in a regularly established licensed children’s institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement. 3. The student has been admitted through the district’s interdistrict attendance program. 4. The student is an emancipated minor residing within district boundaries. 5. The student lives with a care giving adult within district boundaries. 6. The student resides in a state hospital located within district boundaries. 7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. Proof of Residency The Superintendent or designee shall retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student’s residency and retain a copy of the document or written statement offered as verification. When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student meets legal residency requirements.

7/14/04

APPENDIX B: ADMINISTRATIVE REGULATION 5116.1—
INTRADISTRICT OPEN ENROLLMENT

School Grounds that becomes dangerous for a student

Within a reasonable amount of time that a student becomes the victim of a violent criminal offense while on school grounds, the student’s parents/guardians the student’s parents/guardians may request an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student’s needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

After learning that a school has been designated by the California Department of Education as “persistently dangerous,” within a reasonable amount of time, the Superintendent or designee shall notify parents/guardians of the school’s designation and of their option to transfer. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian’s preference. Upon assignment, the transfer shall be completed as soon as possible. If parents/guardians decline the assigned school, the student may remain in his/her current school.

Enrollment Priorities

Families new to OUSD at any grade, as well as Pre-K, 5th grade, 8th grade students/families and those who wish to change schools at other grade levels complete applications during the Open Enrollment window. Our enrollment priorities are applied in the order listed below (if applicable to a specific school, language requirements will be used to determine eligible pools of applicants. See Board Policy on OUSD Dual Language 2-Way Immersion Enrollment)

1. CONTINUING STUDENT PRIORITY: Priority is first given to continuing students who are currently enrolled at the school and who have not indicated plans to leave. A school exists under a defined CDS code.

2. SIBLING PRIORITY: If there are more applicants than available seats, priority will then be granted first to siblings of neighborhood students who already attend the school and will continue to attend the school in the coming year, and then siblings of other continuing non-neighborhood students who are currently enrolled at the school and who will continue to attend the school in the coming year; both siblings in these cases will be concurrently enrolled in the same school the following year if there is space available.

3. OPPORTUNITY TICKET: Previously, prioritization in the enrollment process was limited to siblings and neighborhood residents. There was an absence in prioritization for families impacted by closing schools and schools where families will need to move to a new location to receive an education. These families will be granted enrollment priority in selecting a new school that they deem suitable for their children. Various elements of the Opportunity Ticket will be implemented in phases by student-placement lottery year:

• Lottery Year for 2019 / 2020:
  – Placement of students impacted by the closure of Roots International Academy: Because the Board of Education voted to close Roots International Academy 14 days before the end of the on-time application period for the 2019 / 2020 placement lottery, special considerations inspired by the Opportunity Ticket will be made for the following groups of students: • Students attending Roots International Academy in 6th or 7th grades on or after February 3, 2019:
    1. Available spaces in 7th & 8th grades at all schools offering these grades will be determined based on an analysis of historical attrition data.
    2. All placements of these students in 7th & 8th grades will take place before the general placement lottery is conducted for all other students in mid-March 2019. These seats will then be unavailable for the general placement lottery because the impacted Roots students will have had first access to them.
    3. Parents / guardians of these students will be asked to select and rank up to six schools through a process of personal choice counselling.
    4. Once the ranked school selections are collected from parents / guardians, students will be assigned to the new school using the following methods, with placements made at those schools parents / guardians ranked as their first choice, and then at the second-ranked schools, and so on:

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a. Students with siblings who will attend the school in 2019 / 2020 will receive first priority and will be placed by random selection from within this group. If the number of these students exceeds the number of anticipated available seats, the remaining students will be placed at the top of a waiting list in the order that they were randomly selected.

b. Students who live within the attendance boundary of a school will receive second priority and will be placed by random selection from within this group. If the number of these students exceeds the number of anticipated available seats, the remaining students will be placed on the waiting list below the group of sibling applicants described above, in the order that they were randomly selected.

c. Students who are not siblings of students at a school, and who do not live in the attendance boundary of the school will receive third priority and will be placed by random selection from within this group. If the number of these students exceeds the number of anticipated available seats, the remaining students will be placed on the waiting list described above, in the order that they were randomly selected.

d. The remaining students who have not been placed through the process described above will be placed at the school ranked highest by the parents / guardians where there is available space. If this is not possible, parents / guardians will be informed of the schools with remaining space so they can select among those schools.

e. All of the students described above will receive public transit passes for the duration of their middle school careers if the use of public transit is required for the student to attend a school.

• Prospective 6th grade students for 2019 / 2020 who live within the attendance boundary shared by Roots International Academy, and Greenleaf Elementary or who are siblings of students enrolled at Roots International Academy on or after February 3, 2019:

1. The number of available seats at Coliseum College Prep has been increased to 128. This effectively doubles the school’s capacity to accept 6th grade students who live within the attendance area. All students who live within the shared attendance boundary who would have had access to seats at the 6th grade at Roots International Academy now will have increased access to seats at the 6th grade at Coliseum College Prep Academy.

2. Students applying for the 6th grade at Coliseum College Prep Academy who would have had a sibling attending Roots International Academy will be given the Sibling priority at Coliseum College Prep Academy even if their sibling will not attend Coliseum College Prep Academy due to seat availability issues.

4. NEIGHBORHOOD: Next priority will be given to neighborhood students. Attendance boundaries are established by the Governing Board. A family’s permanent residence falls within the geographic boundaries of an elementary, middle and high school within the District, and these schools are referred to as the “neighborhood schools” for that location. The neighborhood schools for a particular residential address can be found at https://oaklandfinder.schoolmint.net/school Chooser or by calling the District’s Welcome Center at 510-879-4600. The Superintendent or designee shall grant enrollment priority in the lottery to any Oakland resident to attend their neighborhood District, except as stipulated in the Intra-district Transfers Outside Neighborhood Schools section of this policy.

5. SCHOOL STAFF PRIORITY: When a parent/guardian’s primary place of employment is at a school site, their child will also be granted neighborhood priority to attend the school at which their parent/guardian works, a school physically adjacent to their parent/guardian’s school site, or on the same campus as their parent/guardian’s school site. The enrollment department will refer to OUSD employment documentation to verify that the applicant is the child’s parent or guardian.

6. OAKLAND RESIDENT (General Lottery): Any schools that have available space can receive students from outside of the neighborhood through the Intradistrict Open Enrollment process. Residents who live within district boundaries will be prioritized first.

Given the priorities above, the enrollment department will assign each child the highest-ranked priority or priorities for which they qualify. Priorities are determined at the time of the lottery and cannot be changed except in the case of error.

Other priorities may be given to students redirected from their schools that do not have sufficient seat capacity. Students who have moved out of the Oakland Unified School District and who return later may be permitted to enroll in the Oakland school formerly attended provided that there is space at the aforementioned school. If there is no space at the selected school, students will be redirected in accordance with the procedure described above.

With the continuing enrollment technology upgrades, to protect the economic interest of the district and educational well-being of students, the district shall have the ability to test and determine the impact of other priorities, based on place of residence, language proficiency, socioeconomic status, state Pre K status, environmental stress factors, feeder patterns, and other considerations. All proposed changes to enrollment policies will be tested in a “data sandbox” environment prior to making recommendations to the board.

Placement outside of the attendance area

The Superintendent or designee reserves the right to consider placement outside the school attendance area of residence. Before special placement is made for any of these students, the appropriate Network Superintendent for the school area shall be informed of the student’s name and placement plan. Except for placements approved by the Executive Director of Programs for Exceptional Children, other completed transfers in the following categories shall be referred to the Network Superintendent and the Enrollment office for approval. These categories include, but are not limited to:

1. Students recommended by the school psychologist for emotional adjustment and psychosocial problems.

2. Students returning from institutions, probationers, parolees, foster home placements and specific agency requests for preventative and rehabilitative purposes.

3. Handicapped and exceptional students for whom the Department of Programs for Exceptional Children has screening, placement, and follow up responsibilities, with the recommendation and approval of the Programs for Exceptional Children.

4. Discipline Hearing Panel referrals.

5. Other individual cases requiring study or special consideration.

Open Enrollment Process:

Pursuant to Education Code 35160.5:

1. Families new to OUSD at any grade, as well as Pre-K, 5th grade, 8th grade students and those who wish to change schools at other grade levels complete applications during the Open Enrollment window.

2. The Superintendent or designee shall identify those schools which may have space available for additional students for the following school year. A list of these schools and open enrollment applications shall be available online and at the Student Enrollment Welcome Centers during the Open Enrollment Window period.

3. If the number of applicants exceeds the number of available spaces, a lottery process from the eligible applicant pool shall determine enrollment in a school of choice. All applications received during the Open Enrollment time window will be placed in a lottery. The lottery will
prioritize continuing students first, siblings second, neighborhood students third, children of site staff fourth, then remaining applicants. Within each of these categories, a lottery will determine both the order of potential offers for applicants as well as the order of placement on waitlists.

4. If no space is available, per the application of the lottery results, at any of the schools named on a specific application, an assignment will be made to the neighborhood school or another school nearby school.

5. The Superintendent or designee shall inform applicants their assignments from the lottery. The Student Enrollment Welcome Centers will manage the notification / waitlist process. Assigned applicants must confirm or reject the assignment by a specific date. Failure to complete the process will forfeit the assignment and allow placement of those active on the waitlist. Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the school district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options, including, but not limited to, those available under Section 35160.5. Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. (Education Code 35160.5, 48980.) Once enrolled, a student shall not be required to apply for readmission except for students in 5th and 8th grades.

6. Students receiving an offer at a school will have all of their applications to their lower-ranked schools cancelled. These students will automatically be placed on the waitlists for all of the schools they have ranked higher than the one to which they received an offer. This is the only means by which students may be placed on a waitlist during the on-time open enrollment period. For applicants placed on any waitlist(s) by the Open Enrollment deadline, the original lottery order is used to determine their placements on waitlists; late applicants are placed at the bottom of the list within their respective category on the basis of their assigned priorities. Students on waitlists will be offered seats at their desired school as space becomes available. After the 10th day of school, all waitlists are permanently dissolved.

7. Assigned applicants must confirm their enrollment by at their assigned school or with the Student Welcome Center within the published time frame. Failure to do so will forfeit their school assignment and waitlist assignments and allow placement of those active on the waitlists.

8. Applications received after the Open Enrollment deadline for the following year are placed during Late Enrollment application windows of time (specific dates to be determined and announced each year) based on a lottery using the same methods and priorities outlined above. Late enrollment applications will be placed automatically on waitlists at the bottom of their respective priority group.

9. Families that are dissatisfied with their enrollment offers from the Open Enrollment or Late Enrollment process may elect to have all of their offers and waitlist placements invalidated and may submit a new application during the subsequent Late Enrollment application windows. These applications will be considered late and will be processed and prioritized as such.

(cf. 5145.6 - Parental Notifications)

12/6/07; 12/19/07A; 6/25/08A; 8/18/18A; 3/4/19A

APPENDIX C: BOARD POLICY 5116.1 OPEN ENROLLMENT

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of District students and parents/guardians, while also maximizing the efficient use of District facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation. The Board shall annually review this policy. (Education Code 35160.5, 48980.)

The Superintendent or designee shall calculate each school’s capacity in a non-arbitrary manner using student enrollment and available space. (Education Code 35160.5) In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for Open Enrollment shall be submitted timely within the District’s Open Enrollment Options window which is typically between Fall and Late Winter of the school year preceding the school year for which the transfer is requested and can be found on the District’s website at www.ousd.org/enroll or by calling the District’s Welcome Center at at 510-879-4600.

Enrollment decisions shall not be based on a student’s academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

RESERVING SEATS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PLANS (IEPS)

Every school year, seats shall be identified and set aside in each Strategic Regional Analysis Region (SRAR) for students with an Individual Education Plan. In consultation with staff from Programs for Exceptional Children, the number of reserved seats in each SRAR shall be determined prior to the fall lottery, so that the seat inventory accounts for and accommodates the needs of special education students.

SAFETY TRANSFERS

These priorities ensure that students may transfer out of their neighborhood school to a different District-school under the circumstances listed below. Although a family’s school preferences will be considered in selecting a school, these priorities do not guarantee a particular school.

1. Any student enrolled in a district school designated by the California Department of Education as “persistently dangerous” (20 USC 7912; 5 CCR 11992) (cf. 0450 – Comprehensive Safety Plan)

2. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)

3. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5) (a.) A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychologist, psychologist, or marriage and family therapist or (b.) A court order, including a temporary restraining order and injunction

ENROLLMENT PRIORITIES

The parents/guardians of any student who resides within District boundaries will be granted an enrollment priority in the lottery as described below, based on verification of residency documentation, regardless of which schools are identified as their “neighborhood schools” or the location of their residence within the district. (Education Code 35160.5) The Superintendent or designee shall grant priority to any District student to attend any District school as follows:

Dual Language Immersion Schools (Entrance Criteria): Placement at Dual Language Two Way Immersion Schools will be determined based on dual immersion entrance criteria, as defined in the OUSD BOE AR Dual Language Schools and through the open enrollment lottery process. Once enrollment eligibility is determined appropriate priorities will be used in the lottery process as follows:

Continuing Student Priority: Priority is first given to continuing students who are currently enrolled at the school and who have not indicated plans to leave. A school exists under a defined CDS code.

Sibling Priority: In recognition of the Governing Board’s stated policy goal of keeping families and siblings together, siblings of students who are enrolled in the school and who will be enrolled in the school concurrently with their sibling in the same school the following year will be granted enrollment priority in the lottery process. (Education Code 35160.5)

Opportunity Ticket Priority: Previously, prioritization in the enrollment process was limited to siblings and neighborhood residents. There was an absence in prioritization for families impacted by closing schools and schools where families will need to move to a new location. The Opportunity Ticket will be granted enrollment priority in selecting a new school that they deem suitable for their children. Details regarding the implementation of the Opportunity Ticket can be found in Administrative Regulation 5116.1.

Neighborhood School Priority (Neighborhood Priority): Attendance boundaries are established by the Governing Board. A family’s permanent residence falls within the geographic boundaries of an elementary, middle and high school within the District, and these schools are referred to as the “neighborhood schools” for that location. The neighborhood schools for a particular residential address can be found at: https://oaklandfinder.schoolmint.net/school-chooser or by calling the District’s Welcome Center at 510-879-4600. The Superintendent or designee shall grant enrollment priority in the lottery to any Oakland resident to attend their neighborhood District school, except as stipulated in the Intra-District Transfers Outside Neighborhood Schools section of this policy.

No student shall be displaced from his or her neighborhood school by another student transferring from outside the neighborhood school attendance boundary area. (Education Code 35160.5) (cf. 5116 - School Attendance Boundaries), except as stipulated in the Intra-District Transfers Outside Neighborhood Schools section of this policy.

School Staff Priority: When a parent/guardian’s primary place of employment is at a school site, their child will be granted enrollment priority, in the lottery process, to attend the school at which their parent/guardian works, a school physically adjacent to their parent/guardian’s school site, or on the same campus as their parent/guardian’s school site.

PRIORITY IN HIGH-DEMAND SCHOOLS

Oakland Resident Priority: In some circumstances, the number of students seeking to enroll in a school will exceed the available space in the school. Students with a parent/guardian with a permanent residence within the City of Oakland will be granted enrollment over non-residents in the lottery process.

Intra-District Transfers Outside Neighborhood School: The parents/guardians of any student who resides within District boundaries may apply to enroll their child in any District school, regardless of which schools are identified as their “neighborhood schools” or the location of their residence within the district. (Education Code 35160.5) The Superintendent or designee shall grant priority to any District student to attend another District school outside of his/her attendance area as follows:

ASSIGNMENT LOTTERIES

For a discussion of the Open Enrollment Lottery and Late Enrollment Lottery processes, please see AR 5116.1

Legal Reference:

EDUCATION CODE
200 Prohibition against discrimination
35160.5 District policies; rules and regulations
35291 Rules
35361 Assignment of students to particular schools
46600-46611 Interdistrict attendance agreements
48200 Compulsory attendance
48204 Residency requirements for school attendance
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act
48980 Notice at beginning of term
CODE OF REGULATIONS, TITLE 5
11992-11994 Definition of persistently dangerous schools
UNITED STATES CODE, TITLE 20
6311 State plans
7912 Transfers from persistently dangerous schools

COURT DECISIONS
ATTORNEY GENERAL OPINIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Public School Choice FAQs
Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Unsafe School Choice Option, May 2004
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

7/14/04; 8/9/06A; 6/25/08A; 10/11/17A; 8/22/18A; 3/4/19A

APPENDIX D: BOARD POLICY 5117 — INTERDISTRICT ATTENDANCE

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. The Board desires to communicate with parents/guardians and students regarding the educational programs and services that are available. 7/14/04

APPENDIX E: BOARD POLICY 6020 PARENT INVOLVEMENT

PART I. GENERAL EXPECTATIONS

The district shall implement the following statutory requirements: The school district will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children. Consistent with section 1118, the school district will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school- parent compact consistent with section 1118(d) of the ESEA. The school district will incorporate this district wide parental involvement policy into its LEA plan developed under section 1112 of the ESEA. In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, the school district and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand. If the LEA plan for Title I, Part
A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, the school district will submit any parent comments with the plan when the school district submits the plan to the State Department of Education. The school district will involve the parents of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement, and will ensure that not less than 95 percent of the one percent reserved goes directly to the schools. The school district will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition: Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring: (A) that parents are valued for integral role in assisting their child’s learning; (B) that parents are encouraged to be actively involved in their child’s education at school; (C) that parents are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child; (D) the carrying out of other activities, such as those described in section 1118 of the ESEA.

PART II. DESCRIPTION OF HOW DISTRICT WILL IMPLEMENT REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS

1. The district will take the following actions to involve parents in the joint development of its district wide parental involvement plan under section 1112 of the ESEA: Engage with parents on the District Advisory Council in the evaluation of the district wide parental involvement plan, and in any necessary revisions or additions to the plan. Engage with parents on the District English Learner Committee in the evaluation of the district wide parental involvement plan, and in any necessary revisions or additions to the plan. Engage with parents at schools at meetings organized by Principals, Family Engagement Coordinators, School Site Councils, English Learner Advisory Committees, PTAs, Parent Leadership Teams, family centers, and other parent leaders. Engage with other leaders of the community based organizations that have parent constituencies 2. The district will take the following actions to involve parents in the process of school review and improvement under section 1116 of the ESEA: Actively recruit and support parents to authentically participate on School Site Councils and English Learner Advisory Committees. Support PTAs and other parent groups to engage parents in promoting increased academic achievement. Provide opportunities for parent learning that builds understanding and capacity of parents to be involved in the process of school review and improvement Conduct SSC Summit to provide additional support to the SSCs on school improvement plans. Engage parents in school review and improvement Share information on each school’s progress in meeting all accountability measures. Provide leadership development opportunities for parents, including annual training on budgets and budget development. The annual training may be provided at the schools or at the district level or parent leaders. Use district communication tools (e.g. OUSD website) to publicize information about NCLB, required notifications, and LEA addendum 3. The district will provide the following necessary coordination, technical assistance, and other support to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance: The California School Parent Survey shall be used to help identify the specific needs for support in planning and implementing effective parental involvement activities to improve student achievement. District SSCs and ELACs will provide additional feedback on parent involvement needs at the sites. The SSCs and ELACs are encouraged to track in meeting minutes recommendations for additional parent involvement and engagement. The SSC and ELAC, with the site administrators shall develop strategies to encourage parents/ guardians to sign and return the School Parent Compact required by the Community Schools Strategic Site Plan (“CSSSP”). The School Parent Compact shall be available for signing at all school events and activities, including Back to School night. The signed compacts shall be maintained by the school for the current school year. Provide training for SSC, ELAC, DAC, and DELAC members Provide opportunities for learning and professional development for school based family engagement staff on planning and implementing effective parental involvement activities to improve student achievement) Develop a learning community for school based family engagement staff that promotes collaboration and coordination Provide training for site based administrators Develop materials and resources to support schools Provide support to schools in developing parent centers by developing a centralized comprehensive family center, and by incubating a network of satellite family centers 4. The district will coordinate and integrate parental involvement strategies and activities in Part A with parental involvement strategies under the following programs: Early Reading First Reading First 5. The district will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I, Part A schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The school district will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement activities, and to improve the quality of its Title I, Part A schools, plans, etc. Engage with parents about the effectiveness of family engagement practices and activities in schools, at meetings organized by Principals, Family Engagement Coordinators, School Site Councils, English Learner Advisory Committees, PTAs, Parent Leadership Teams, family centers, etc. District must provide translation services, as provided in Board Policy 5124 and Administrative Regulation 5124 at parent/community meetings. The district and school sites must provide all appropriate documentation in all the standard languages. Training for the principal, SSC, ELAC, and all other interested parents on categorical funds. The documentation of this training shall be included in the current school site plan (CSSSP). Encourage the signing of the School Parent Compact to support parent/ guardian involvement and engagement. Encourage and support parent volunteers at school sites and include in the annual parent guide a statement about the importance of parent volunteers. Participate in the Annual Evaluation of the District Parent Involvement Plan and coordinate the collection and reporting of all district advisory group evaluations by the District Advisory Council (DAC) for compensatory education programs. Participate in the revision of the district Parent Involvement Policy, as needed, according to evaluation results. Conclude District Advisory Council (DAC) review of programs in the Consolidated Application with input for budget consideration. 6. The district will build the schools’ and parent’s capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved parents, and the community to improve student academic achieving activities specifically with involvement below: A. The school district will, with the assistance of its Title I, Part A schools, provide assistance to parents of children served by the school district or school, as appropriate, in understanding topics such as the State’s academic content standards, the State’s student academic achievement standards, the State and local academic assessments, including alternate assessments, the requirements of Part A, how to monitor their child’s progress, and how to work with educators by undertaking these activities:

District wide Parent Leadership Conference, including information pertaining to Title I Workshops for families such as: Understanding School Score Cards, Understanding Results Based Inquiry, Understanding the Standards Based Report Card, Learn to Read your Child’s Transcript, etc. To help parents understand the State content standards, develop and offer Parent Friendly Standards (K-12) workshops, curriculum, and materials, including workshops on the Common Core curriculum and the Local Control Funding Formula. B. The school district will, with the assistance of its schools, provide materials and training to help parents work with their children to improve their children’s academic achievement, such as literacy training, and using technology, as appropriate, to foster parental involvement, by: Developing and offering programs such as Family Math Nights, Reading Nights, Family Literacy Programs, etc. Providing families with information and materials about how to work with their children to improve academic performance at events such as Back to School Nights and Open Houses. Provide materials and training to help parents work with their children on student goal setting. C. The school district will, with the assistance of its schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of
contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by: 1. Developing a curriculum and offering training for district and school site staff about how to engage families to increase academic achievement 2. Producing and disseminating learning materials on family engagement to staff 3. Normalizing family engagement as part of the discourse on improving academic achievement at schools 4. Recognizing and publicizing OUSD family engagement successes and its impact on student achievement 5. Assisting parents in supporting literacy activities at home, e.g. understanding district programs such as Open Court Reading. D. The school district will take the following actions to ensure that information related to the school and parent- programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand: Translation Center BCLAD teacher to document 10 hours of service at schools 15% or more students are English Learners PART III. DISCRETIONARY DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS The district recognizes that in the context of the rich diversity of our city, families from all racial, ethnic, cultural, economic, and educational backgrounds share common ground in being involved in their children’s learning, and in wanting their children to succeed in school and in life. Families can and do have a positive influence on their children’s learning. Families can and do influence achievement by holding schools and school districts accountable for high performance. To achieve academic success for all students, we must tap the power of the family. 1. The district and the schools within the district will provide families across the grades levels, from preschool through grade 12, with a broad range of opportunities for involvement, including in advocacy roles, leadership roles, and in learning. Advocacy: families participate in sharing responsibility to advance learning and solve problems concerning an individual child’s education Academic success for all children in the school Leadership: parents and caregivers motivate and support other people to work collectively to bring about school improvement and raise achievement, including in school governance, grassroots leadership and shared decision-making. Learning: learning for the whole family that empowers parents and caregivers to boost student achievement Action oriented adult learning: Parents and caregivers are actively learning to become effective advocates and leaders Student learning: Parent and caregivers engage with students in activities and practices at home that promote student learning throughout the school-aged years Participants in the School Community: Families attend broad school events and lend a helping hand 2. Every school will address Family Engagement and name particular strategic practices in its Single Plan for Student Achievement (SPSA), outlining programs that are comprehensive, well-planned, and long-lasting. Comprehensive Have explicit connections to learning goals. Contain a variety of engagement activities and practices Reach out to diverse families; provide translation of materials, meetings, and other communication into home languages Well-planned Identify specific measurable goals that are monitored Informed and guided by cycles of inquiry Be grounded in research and relevant school data Long-lasting Create permanent structures to support engagement Align with a long-term commitment and vision for family engagement Sustain existing parent leadership and build new parent leadership 3. The Board of Education recognizes the importance of administrative leadership in setting expectations and creating a climate conducive to family engagement. The district and the schools within the district will strive to create, grow, and sustain a relational culture focused on learning with a common vision about academic success for every student, and a commitment among parents and caregivers, school staff, and community members to share responsibility and hold one another accountable for achieving that vision. We will strive to create trusting collaborative relationships in the school. With respect to parents and caregivers, the school will: be inviting and welcoming of them respect their concerns honor their contributions We will recognize, respect and address: Needs of the families and community Differences in socioeconomic class, and the social dynamics and power imbalances these differences create Differences in race/ethnicity/nationality/culture/ language and the social dynamics and power imbalances these differences create We will share power and responsibility with families 4. The district will provide professional development opportunities for staff and technical assistance to schools to enhance understanding and effectiveness of family engagement practices. 5. The district and the schools within the district will be guided by the Community Plan for Accountability in Schools (ComPAS) Standards in planning, implementing, and assessing Family Engagement programs and activities. ComPAS Standards 1. We will ensure that every student has learning opportunities that promote cultural responsiveness and security 2. We will ensure that every student and family is informed and can choose the educational programs that meet their needs. 3. We will ensure that every student and family has timely access to data about their performance and satisfaction and provides input into key school and district priorities and decisions used to make improvements in their school community. 4. We will ensure that students participate actively in multi-generational learning communities and have in their lives adults who pursue individual development and continued learning opportunities. 5. We will ensure that every student has a rigorous, personalized and fulfilling academic experience. 6. We will ensure that every student learns in an environment that builds resiliency, where there are high expectations, caring and supportive conditions, and meaningful opportunities for all to participate. 7. We will ensure that there is clear, direct and timely communication and space for members of the school community to engage in meaningful and productive dialogue. 8. We will ensure that every student has access to nutritious meals, clean learning environments, mental and physical health support, physical education and adults who support healthy, sustainable living. 9. We will ensure that every student is safe at school, and has safe passage to and from school and in the neighborhood surrounding the school. In the end, our vision is that every parent and caregiver in Oakland has a voice and decisionmaking power in their child’s education; that families and teachers work together towards their child’s achievement; that families understand what their child is being held accountable for and by whom; and that we are holding districts accountable for their role as they hold us to ours. Ultimately, we want parents and caregivers to truly have co- ownership of our schools so that together they can help our children become successful and healthy adults. PART IV. ADOPTION This district wide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs, as evidenced by: District Advisory Council meetings Presentations and discussions at school sites - School Site Council meetings, English Learner Advisory Committee meetings, PTA meetings, Parent Leaders meetings, Special Education Parent meetings meetings District English Learner Committee meeting. 1/15/14

APPENDIX F: AR 1250 - VISITORS/OUTSIDERS

At Oakland Unified School District, the safety of students and staff is essential. School site administrators are to ensure that all exterior gates and doors are locked at the beginning of classes and remain locked until the end of the school day. Only the main entrance to the school shall remain open during the school day and will be monitored at all times.

The Superintendent or designee shall post at every entrance to each school and school grounds a notice setting forth visitor registration requirements, hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Penal Code 627.6)

For the purpose of this regulation, a “Visitor” shall mean all people entering a school site except for site staff and students. A parent or volunteer shall be considered a “Visitor” regardless of their duration on school grounds or the frequency of their visits.

Visitor’s Policy

All visitors shall:

1. Immediately comply with the school’s registration policy when entering school grounds.
2. Comply with any school policy concerning classroom visitation, including but not limited to obtaining prior permission from the principal/designee.
3. Enter and exit classrooms as quietly as possible.
4. Refrain from talking to students or staff during instructional time.
5. Refrain from any conduct that interferes with school activities.
6. Limit the length and frequency of classroom visits to a reasonable amount (to be determined by the activity being observed).

7. Comply with the school’s established procedures for scheduling a follow up appointment with the teacher(s) and/or principal/designee after the classroom visit, if needed.
8. Return the Visitor’s Permit, if applicable, before leaving the campus.

Visitor’s Rights

Visitors have the right to:
1. Be informed in advance of the procedures for visiting the school.
2. Request and obtain approval of the principal/designee to enter a school campus.
3. Observe the classroom(s) in which their child is enrolled, within a reasonable period of time, after making a request.
4. Observe the classroom(s) for the purpose of selecting the school in which their child will be enrolled, within a reasonable period of time after making the request.
5. Request a meeting with the classroom teacher and/or school principal/designee following the observation; and,
6. Meet with their child’s teacher(s) and/or the school principal/designee, within a reasonable period of time after making a request.

Visitors DO NOT have the right to:
1. Disrupt instructional time, extra-curricular activities, cause disorder, or otherwise disrupt the normal operations of the school.
2. Use any electronic listening or recording device in any classroom of the elementary and secondary schools without the prior consent of the teacher and the principal or the school. Any person who willfully violates this rule may be guilty of a criminal misdemeanor (Education Code section 51512 and BP 1250).

Registration Procedure

1. All campus visitors must have the consent and approval of the principal/designee.
2. In order to register, visitors shall, upon request, furnish the principal or designee with the following information:
   1. His/her name, address and occupation
   2. His/her age, if less than 21
   3. His/her purpose for entering school grounds
   4. Proof of identity
   5. Other information consistent with the purposes of this chapter and with provisions of law (Penal Code 627.3)
3. Then, complete a Visitor’s Permit and obtain the principal’s approval before proceeding to the classroom.
4. Request a meeting with the classroom teacher and/or school principal following the observation.
5. Meet with their child’s teacher(s) and/or school principal within a reasonable time after making a request.

Denial of Registration

The principal or designee may refuse to register any outsider if he/she reasonably concludes that the outsider’s presence or acts would disrupt the school, students, or employees; would result in damage to property; would result in the distribution or use of a controlled substance; or would inflict bodily injury upon any person. The principal or designee or school security officer may revoke an outsider’s registration if he/she has a reasonable basis for concluding that the outsider’s presence on school grounds would interfere or is interfering with the peaceful conduct/operation of the school or would disrupt or is disrupting the school, students or staff. (Penal Code 627.4)

(cf. 3515.2 - Disruptions)

The principal or designee may request that an outsider who has failed to register, or whose registration privileges have been denied or revoked, promptly leave school grounds. When an outsider is directed to leave, the principal or designee shall inform the outsider that if he/she reenters the school within seven days he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal to the principal or Network Superintendent by submitting, within five days after the person’s departure from school, a written request for a conference. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the notice may be sent. Upon receipt of the request for a hearing, the principal or the Network Superintendent shall promptly mail a notice to the person requesting it. A conference with the principal or Network Superintendent shall be held within seven days after receipt of the request. (Penal Code 627.5)

(cf. 1312.1 - Complaints Concerning District Employees)

7/14/04; 6/28/17A

APPENDIX G: BP 1250 - COMMUNITY RELATIONS

Visitors/Outsiders

The Governing Board encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

To ensure minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the teacher and principal or designee. If a conference is desired, an appointment should be set with the teacher during non-instructional time.

To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session.

For purposes of school safety and security, the principal or designee may design a visible means of identification for visitors while on school premises.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal’s permission. (Education Code 51512)

(cf. 5144 - Discipline)

7/14/04

APPENDICES H, I

APPENDIX H: BP 5145.7 SEXUAL HARASSMENT

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board acknowledges that complex societal and historical factors may contribute to inequity within the district and that sexual harassment devalues all students, undermines students’ physical safety, impedes students’ ability to learn, and reinforces social inequality. The Board is committed to eliminating sexual harassment and repairing the harm it causes. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. The district will take immediate steps to stop harassment and protect the safety and well-being of reported victims of sexual harassment, including interim measures during the investigation as appropriate. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

Prohibited sexual harassment is unwelcome sexual conduct that may include, but is not limited to, sexual violence, unwelcome sexual advances,
unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4936)

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

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

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual’s body, unwanted sexual comments or questions, 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 or activity
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 an individual’s movements or any physical interference with school activities when directed at an individual on the basis of sex or gender expression
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Sexual violence that is in perpetration of a sexual act on a person without their affirmative consent
13. Electronic communications containing comments, words, or images described above.

Sexual harassment is prohibited on all campuses and at all school-sponsored programs and activities. Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5131 - Conduct)
(cf. 51312 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district’s primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. 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, of which school employees become aware of through any means, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effects on students

6. Information about the district’s procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Disciplinary Actions

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

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

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

(cf. 4117.4 - Dismissal)
(cf. 4117.7 - Employment Status Report)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4219.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

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

(cf. 3580 - District Records)

8/25/04; 3/25/15A; 6/14/17A
APPENDIX I: ADMINISTRATIVE REGULATION 5145.7
STUDENTS SEXUAL HARASSMENT

All students have the right to attend school free from sexual harassment. The district is committed to eliminating sexual harassment and repairing the harm it causes to individuals and to school communities through age-appropriate preventative and responsive strategies that empower victims of harassment, ensure school safety, and support positive behavioral change.

The district designates the following individuals as the responsible employee to coordinate efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to facilitate the investigation and resolution of sexual harassment complaints under AR 1312.3- Uniform Complaint Procedures.

Ombudsperson
Office of the Ombudsperson
1000 Broadway, 1st Floor, Suite 150
Oakland, California 94607
PHONE (510) 879-4281
FAX (510) 879-3678

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

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

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

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual’s body, unwanted sexual comments or questions, 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 or activity
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 an individual’s movements or any physical interference with school activities when directed at an individual on the basis of sex or gender expression
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Sexual violence which is the perpetration of a sexual act on a person without their affirmative consent
13. Electronic communications containing comments, words, or images described above

Sexual violence is the most extreme form of sexual harassment. Sexual violence is the perpetration of a sexual action on a person without their affirmative consent. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a relationship between persons involved, or past sexual relations between them, should never by itself be an indicator of consent.

Sexual harassment is prohibited on all campuses and at all school-sponsored programs and activities. Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that they have been subjected to sexual harassment by another student, an employee, or a third party who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, or other available school employee. Upon receipt of such a report, within one day of receiving a report of harassment, the school employee shall forward the report to the principal and the district’s compliance officer. Each site shall identify a person responsible for addressing sexual harassment complaints. This person may be the site principal or their designee and shall receive training. In addition, any school employee who observes an incident of sexual harassment involving a student shall report their observation to the principal and district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal or their school site designee shall access whether the conduct may or has created(d) or contribute(d) to the creation of a hostile school environment. If the principal or their designee determines that a hostile environment may be or has been created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred on campus.

When a verbal or informal report of sexual harassment is submitted, the principal shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district’s uniform complaint procedures. Formal written complaints filed under the district’s uniform complaint procedures will be resolved consistent with AR 1312.3.

Regardless of whether a formal complaint is filed, the principal or their school site designee shall take steps to investigate allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, the principal shall forward the report to the district’s compliance officer. The principal or their site designee shall initiate investigation of the complaint.

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

Intake Meeting

Within one day of receiving a report of harassment or otherwise becoming aware of harassment, employees must inform the designated school site staff member and the district compliance officer. Upon receiving a report of harassment or becoming aware of harassment, the designated school site officer or their designee shall immediately schedule an intake meeting with the student(s) reportedly harassed. If requested by the student(s) or required by law, the designated school site officer shall inform their parent(s) or guardian(s) of the report and invite them to attend the scheduled intake meeting. In all cases, the student(s) shall be informed that they may bring a support person of their choice with them to the meeting. If a student requests that another student act as their support
person, that student shall be excused from class or required activities to enable them to attend the intake meeting. A student may request to reschedule the intake meeting to a later date to enable their support person to attend.

At the intake meeting, the student will be informed that:

1. the district will take immediate steps to protect the safety and emotional well-being of the reporting student(s);
2. Inform the student(s) that they may file a formal written complaint in accordance with the district's uniform complaint procedures, and the time limit for filing a uniform complaint;
3. Explain that complaints and allegations of sexual harassment will be kept confidential except as necessary to carry out the investigation or take other necessary action;
4. Explain the circumstances under which the school site officer would be required to make a report to the Department of Children’s and Family Services and/or law enforcement;
5. Inform the student(s) that retaliation for making a report or participating in an investigation of sexual harassment is prohibited, and how to report any retaliation they experience;
6. Explain that after the complaint is investigated, the school site officer will make a recommendation regarding how to proceed and that, to the extent permitted by law and district policy, the student(s) may have input into that decision;
7. Ask the student to explain in their own words what occurred, how it has affected them, and what they need to feel safe at school;
8. Inform the student that they may present additional evidence, or information leading to evidence, at any time during the investigation.

If a student requests that their name be kept confidential from the alleged harasser, the school site officer shall explain that such a request may limit the District’s ability to investigate the complaint and stop the harassment. The school site officer shall also explain that the District cannot keep the reporting student’s name confidential from the alleged harasser if doing so would undermine the district’s ability to ensure a safe and nondiscriminatory environment for all students, including the reporting student.

Confidentiality

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

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

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

Response Pending Investigation/Interim Measures

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

The district is responsible for determining how to resolve complaints. If it is determined that a violation of the district’s sexual harassment policy has taken place, the district may utilize resolutions that target eliminating the harassment, prevent its recurrence, and repair the harm caused by the harassment. The district shall assess whether corrective and preventative action should be taken not only on an individual level, but on a schoolwide or districtwide level.

Prompt and Equitable Investigation Process

In determining whether a violation of the sexual harassment policy has taken place, the district shall apply a “preponderance of the evidence” standard. This standard is met if the allegation is more likely to be true than not.

In determining whether sexual conduct was welcome or unwelcome, the district shall use an “affirmative consent” standard, as defined above. The district shall not consider the past sexual history of the reported victim in making their determination except to the extent it relates to a prior relationship with the alleged harasser.

In conducting the investigation, the school site officer or their designee shall collect all available documents and review all available records, notes, or statements related to the complaint. The school site officer may visit any reasonable accessible location where the actions are alleged to have taken place. The school site officer shall interview all available witnesses, including the alleged harasser(s), with information relevant to the complaint. Interviews shall be conducted in a confidential matter. After interviewing the alleged harasser, the school site officer shall provide the reporting student with an additional opportunity to submit evidence or make a statement in response.

The school site officer shall investigate not only whether the conduct alleged occurred, but also its effect on the reporting student’s experience of school, including but not limited to any effect on their ability to concentrate in class, grades, participation in activities, and ability to move freely around campus.

In making their factual findings and determination, the school site officer may take into account the factors set forth in AR 1312.3, Uniform Complaint Procedures. These are:

a. Statements made by any witnesses;
b. The relative credibility of the individuals involved;
c. How the complaining individual reacted to the incident;
d. Any documentary or other evidence relating to the alleged conduct;
e. Past instances of similar conduct by any alleged offenders;
f. Past false allegations made by the complainant.

The school site officer shall inform the student of their decision as soon as practicable, and explain to the student the reasons for their decision.

The results of the investigation shall be included in a Final Written Decision. The Final Written Decision shall include the findings of fact based on the evidence gathered, the school site officer’s or designee’s conclusion as to whether a violation of the Sexual Harassment Policy took place, and if a uniform complaint has been filed. To determine whether a hostile educational environment, in violation of district policies, has been created, the school site officer shall consider the factors set forth in AR 1312.3(4)(a)-(f). The Recommended Final Decision shall also include the corrective action(s) to be imposed.

The school site officer’s Recommended Final Written Decision shall be based on their independent assessment of all of the relevant circumstances, including but not limited to the age of both students, the severity of the harassment, the impact of the harassment on the victim, and whether any previous complaints have been made regarding the harassing student’s behavior.
The Final Written Decision shall inform the victim of their right to appeal the Final Written Decision to the district’s compliance officer within five calendar days of its receipt. An appeal taken to the district’s compliance officer shall comply with the procedures set forth for Level II Appeals in AR 1312.3, Uniform Complaint Procedures, even if a uniform complaint has not been filed.

Enforcement of District Policy
The Superintendent or designee shall take appropriate actions to reinforce the district’s sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
   (cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
   (cf. 4131 - Staff Development)

3. Use of restorative processes at the site level to eliminate harassment, prevent recurrence, and repair the negative impacts on site culture and climate, when appropriate.

4. Disseminating and/or summarizing the district’s policy and regulation regarding sexual harassment

5. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school’s response to parents/guardians and the community
   (cf. 4119.23 - Unauthorized Release of Confidential/Privileged Information)
   (cf. 5125 - Student Records)

6. Taking appropriate disciplinary action against harassers consistent with the law and Board policy
   (cf. 4118 - Suspension/Disciplinary Action)
   (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
   (cf. 5144.1 - Suspension and Expulsion/Due Process)
   (cf. 5144.2 - Suspension and Expulsion/Due Process [Students with Disabilities])
   (Notes)

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980; 5 CCR 4917)
   (cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted. (Education Code 231.5) The identity of the site personnel responsible for investigating complaints of sexual harassment shall be posted in a prominent location at each site.

A copy shall be posted on the district’s website along with the district board policies and administrative regulations.

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

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

8/25/04; 10/26/11A; 06/14/17A

APPENDICES J AND K

APPENDIX J: BOARD POLICY 6163.4 INSTRUCTION - STUDENT USE OF TECHNOLOGY/ INTERNET SAFETY POLICY

The Governing Board intends that technological resources used to access District equipment and networks whether provided by the district or the student be used in a responsible and proper manner in support of the instructional program and for the advancement of student learning. The following policy and corresponding regulations and procedures are intended to implement the legal requirements of the district under The Children’s Internet Protection Act, (CIPA) (Public Law 106-554). Such policy, regulations and procedures shall be applied to all students having computers or devices with Internet access. It is the policy of the Governing Board to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, social media, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification of minors; and (d) comply with the Children’s Internet Protection Act.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers and consequences for unauthorized use and/or unlawful activities.

Definitions

1. Access to the Internet - A computer shall be considered to have access to the Internet if such computer is connected either wired or wirelessly to a computer network which has access to the Internet.

2. Minor shall mean an individual who has not attained the age of 19. 3. Obscene shall have the meaning given such term in section 1460 of title 18, United States Code. 4. Child pornography shall have the meaning given such term in section 2256 of title 18, United States Code.

5. Harmful to minors shall mean any picture, image, graphic image file, or other visual depiction that: a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; b. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and c. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

6. Hacking shall mean attempting to gain unauthorized access to computer and network systems connected to the Internet.

7. Technology protection measure shall refer to the systems in place, managed by the district that blocks and/or filters Internet access. On-Line Services/Internet Access: The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced.

20 USC 7001, 47 USC 254) Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes. The Board desires to protect students from access to harmful matter on the Internet or other online services and to prevent inappropriate network access. The Superintendent or designee shall implement rules and procedures designed to restrict students’ access to harmful or inappropriate matter on the Internet and to prevent inappropriate network access including hacking, unauthorized disclosure, use, and dissemination of personal identification information regarding minors, and other unlawful activities. He/she also shall establish regulations to address the safety and security of students when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communication. Disclosure, use and dissemination of personal identification information regarding students is prohibited. The Superintendent or designee shall oversee the education, supervision and monitoring of students’ usage of the online computer network and access to the Internet in accordance with this policy and applicable laws. The site principals or designated representatives shall provide age-appropriate training for students who use the District’s Internet systems. The training provided shall be designed to promote the District’s commitment to: a. The standards and acceptable use of Internet services as set forth in this Policy; b. Student safety with regard to: (1) safety on the Internet, (2) appropriate online behavior, including interacting with other individuals on social
networking sites and in chat rooms; and (3) cyberbullying awareness and response, including that “bullying” constitutes any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act that relates to school activity or attendance occurring under the jurisdiction of the school district’s superintendent, including off-campus and/or electronic acts; c. Prohibition of discrimination, harassment, intimidation, and bullying on the basis of actual or perceived protected characteristic, including without limitation, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or association with person or group with one or more of the actual or perceived characteristics; and d. Compliance with the E-rate requirements of the Children’s Internet Protection Act. Following receipt of this training, the student will acknowledge that he/she received the training, understood it, and will follow the provisions of the district’s acceptable use policy. Before using the district’s on-line resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the district responsible and shall agree to indemnify and hold harmless the district and all its employees for the failure of any technology protection measures, violations of copyright restrictions, users’ mistakes or negligence, or any costs incurred by users. Staff shall supervise students while they are using on-line services and may ask teacher aides and student aides to assist in this supervision. In order to help ensure that the district adapts to changing technologies and circumstances, the superintendent or designee shall regularly review the policy, the accompanying administrative regulation and other procedures. He/she shall also monitor the district’s filtering software to help ensure its effectiveness. 6/14A

APPENDIX K: ADMINISTRATIVE REGULATION 6163.4 - STUDENT USE OF TECHNOLOGY

The principal or designee shall oversee the maintenance of each school’s technological resources while following District standards set by the Technology Services department and may establish guidelines and limits on their use. Instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the district’s Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive training in their proper and appropriate use. At the beginning of each school year, parents/guardians shall receive a copy of the district’s policy and administrative regulation regarding access by students to the Internet and online sites. On-Line/Internet Services:

User Obligations and Responsibilities Students are authorized to use district equipment to access the Internet or on-line services in accordance with user obligations and responsibilities specified below and in accordance with Governing Board policy and the district’s Acceptable Use Agreement. 1. The student, in whose name an on-line services account is issued, is responsible for its proper use at all times. Students shall keep personal account numbers, passwords, home addresses and telephone numbers private. They shall only use the system under their own account to which they have been assigned. 2. Students shall use the district’s system safely, responsibly and primarily for educational purposes. 3. Students shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, gender, sexual orientation, age, disability, religion or political beliefs. Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value for minors. 4. Students shall not disclose, use or disseminate personal identification information about themselves or others when using electronic mail, chat rooms, or other forms of direct electronic communication. Students are also cautioned not to disclose such information by other means to individuals located through the Internet without the permission of their parents/guardians. Personal information includes the student’s name, address, telephone number, Social Security number or other individually identifiable information. 5. Students shall not use the system to originate electronic mail or electronic files. They shall not attempt to interfere with other users’ ability to send or receive electronic mail, nor shall they attempt to delete, copy, modify or forge other users’ mail. 11. Students shall report any security problem or misuse of the services to the teacher or principal. The district reserves the right to monitor the use of the district’s system for improper and all district personnel use without advance notice or consent. Electronic communications and downloaded material, including files deleted from a user’s account, may be monitored or read by district officials to ensure proper use of the system. Whenever a student is found to have violated Board policy, administrative regulation, or the district’s Acceptable Use Agreement, the principal or designee may cancel or limit a student’s user privileges or increase supervision of the student’s use of the district’s technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy. 7/14/04

APPENDIX L: BP 5144 STUDENTS DISCIPLINE

The Governing Board desires to prepare students to be caring, competent, critical thinkers and fully-informed, engaged, contributing members of society who are ready to succeed in college and career. The Board expects each school to create a safe and positive school environment in which all students feel accepted, supported, and respected. The Board desires that its disciplinary policies further its mission of serving the whole child, eliminate inequality in the use of punitive consequences, and provide each child with excellent teachers who are equipped to promote academic and behavioral learning.

The Board desires the use of a positive approach to student behavior and the use of preventative and restorative practices to minimize the need for discipline and maximize instructional time for every student. The Board recognizes the importance of developing the social and emotional health of all youth and adults in our organization. The Board desires the adoption of the Response to Intervention (RTI) framework wherein schools provide a tiered system of academic and behavioral supports to enable all students to equitably access the core curriculum. Each school is responsible for adopting strategies, programs, and interventions within an RTI framework to facilitate a consistent approach for positive, pro-social behavior management in order to reduce student loss of instructional time due to disciplinary sanctions. The Board recognizes that an opportunity gap for significant portions of its student population exists, namely amongst African American, Latino, and English Language Learner students and students with disabilities. The Board desires to identify and address the causes of disproportionate treatment in discipline to reduce and eliminate the racial disparities in the use of punitive school discipline, and any other disparities that may exist for other under-served populations. Schools shall enforce disciplinary rules fairly, consistently, and without discrimination. The Board recognizes the importance of using school and classroom management strategies that keep students in school and in the classroom. Missing too much school for any reason has a direct impact on academic achievement—both short-term and long-term. Removal of students from the classroom environment for misbehavior is never avoided. The Board does not support a zero tolerance approach to discipline except where mandated by law. Schools may not adopt zero tolerance policies or practices that conflict with District discipline policies. Except where suspension for a first offense is permitted by Education Code 48900.5, as further described in AR 5144.1, an administrator or administrator’s designee may only impose in school and out-of-school suspension when other means of correction fail to bring about proper conduct or the student’s presence causes a danger to
APPENDIX M: AR 5144 STUDENTS DISCIPLINE

The District and staff are committed to establishing positive learning environments that ensure that all students have access to quality education. The District recognizes that a key aspect of maintaining a healthy and safe environment is establishing order and maintaining discipline in our schools. This goal can only be achieved through the cooperative efforts of our school personnel, students, parents, guardians, and our community. The District believes that developing strong relationships with families is the first step in establishing safe and healthy schools. The District and staff desire to work collaboratively with families to establish positive relationships that aid in the development and achievement of all students. School staff members are encouraged to contact parents early in the school year to proactively establish positive school/home communication and throughout the school year to share student successes and challenges, and develop plans to help students have access to a quality education. The District is committed to eliminating disparity in school discipline with respect to its underserved populations by reducing the number of referrals, suspensions, and expulsions. The staff will engage in restorative practices that enhance school culture and improve discipline systems to address equity. Site-Level Rules In developing site-level disciplinary rules, the school 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. For junior high and high schools, students enrolled in the school The rules shall be consistent with law, Governing Board policy, and district regulations. The development of the rules shall be informed by school-level discipline data as described in BP 5144. The school shall also solicit participants’ views on whether site-level and District-level discipline rules are being equitably and fairly applied. The confidentiality of student records shall be maintained at all times. Alternative Means of Correction Each school is responsible for incorporating a Response to Intervention (RTI) framework into its Community Schools Strategic Site Plan (CSSSP) to reduce referrals and suspensions through proactive intervention, positive behavioral support, restorative practices, and other non-punitive approaches to discipline. RTI is a prevention system focused on maximizing student achievement, reducing behavior problems, and avoiding loss of instructional time through use of tiered interventions. Referral of students from the classroom environment for misbehavior should be avoided. The District expects that alternatives to suspension and progressive discipline approaches shall be utilized prior to referring a student out of the classroom. The District expects that alternatives aligned with the school’s RTI framework and District policies shall be undertaken within the classroom except where suspension for a first offense is permitted by Education Code 48900.5, as further described in AR 5144.1, or where it can be documented that the behavior violation imposes a clear danger to persons. Classroom-based strategies include, but are not limited to: Explicit re-teaching of behavioral expectations; Writing an apology letter; Assignment of additional tasks; Phone call to parent; Keeping students after class; Restorative conference with student(s) or class; Creation of a positive behavior contract; Conference with student; Conference with parent and the student. Parents should be notified if there is an escalating pattern of misbehavior that could lead to classroom or school removal. Students who exhibit a pattern of misbehavior should be provided more intensive support and interventions. Appropriate school-based strategies include, but are not limited to: A conference between school staff and the student and his/her parents/guardians. Referral to a school counselor or other school support service personnel for case management and counseling. Referral for drug or alcohol counseling. Convening of a Student Study Team (SST), Coordination of Services Team (COST), or other intervention-related team to assess the behavior and develop an individual plan to address the behavior in partnership with the student and his/her parents/guardians. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan. Enrollment in a program for teaching social/emotional behavior or anger management. Participation in a restorative justice program or conversation/circle. A positive behavior support approach with tiered interventions that occur during the school day on campus. 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. Detention after school hours as provided in the section below entitled “Detention After School.” Community service as provided in the section below entitled “Community Service.” In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities.

Recess Restriction

A teacher may restrict a student’s recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other interventions before imposing the restriction. Recess restriction shall be subject to the following conditions: The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate. The student shall remain under the supervision of an appropriate employee during the period of restriction. Teachers shall inform the principal of any recess restrictions they impose. Detention After School Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day.

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian. In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. Students shall remain under the supervision of a certificated employee during the period of detention. Students may be offered the choice of serving their detention on Saturday rather than after school.

Community Service As part of or instead of disciplinary action, the Board,
Superintendent, principal, or principal’s designee may, at his/her discretion, 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 student option is not available for a student who has been suspended, 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.

Referrals The Board desires the adoption of the RTI framework to facilitate a consistent approach for positive, pro-social behavior management. The District expects teachers to incorporate RTI interventions prior to making a referral out of the classroom except where suspension for a first offense is permitted or mandated by law as described in AR 5144.1 pp. 8-9. When a referral out of the classroom is made, site administrator or designee must ensure that site staff completed the following: Teacher completed universal referral forms in the 2014-2015 school year; Site administrator or designee reviewed universal referral forms and, if warranted, assigned appropriate consequences; Site administrator or teacher contacted the student’s parents/guardians and notified them of any consequences; Site administrator or designee investigated the reasons for the student’s conduct; Site administrator or designee recorded the classroom interventions and referral in the District’s database.

Notice to Parents/Guardians and Students At the beginning of the school year, the Superintendent or designee shall notify parents/guardians in the Parent Guide about the availability of district rules related to discipline. The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district. 4/23/14

APPENDIX N: BP 5144.1 SUSPENSION AND EXPULSION / DUE PROCESS

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. In response to serious or repeated violations of established policies and standards, it may be necessary to suspend or expel a student from regular classroom instruction. The Board does not support a zero tolerance approach to discipline. The Board recognizes the importance of providing school-wide positive supports, using discipline strategies that keep students in school and in the classroom, and supporting students in learning to behave appropriately and solve conflicts peacefully. Before subjecting a student to disciplinary sanctions that result in a loss of instructional time, the Superintendent or designee shall, to the extent allowed by law, first use alternative strategies as described in AR 5144 - Discipline. Except where suspension for a first offense is permitted by 48900.5, as further described in AR 5144.1, in-school and out-of-school suspension shall be imposed only when other means of correction fail to bring about proper conduct or the student’s presence causes a danger to persons. Expulsion is an action taken by the Board only for severe breaches of discipline by a student. The teacher of any class from which a student is suspended pursuant to Section 48910 shall require the student to complete any assignments and tests missed during the suspension. The school will monitor and address the educational needs of the student that arise due to the loss of instructional time. Suspension and expulsion may not be imposed for truancy, tardiness, or absence. Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities. Effective January 1, 2015, as provided in California Education Code section 48900(k), no student enrolled in grades TK-Kindergarten through third grade may be suspended for disrupting school activities or willfully defying the authority of school personnel (“disruption and willful defiance”) and no student enrolled in grades TK through twelve (TK-12) shall be expelled for the same. Effective July 1, 2016, no student enrolled in grades TK-Kindergarten through twelve (TK-12) grades may be suspended or expelled for disrupting school activities or willfully defying the authority of school personnel. The Board will review data regarding suspensions for defiance in Grades 4 through 12 in August 2015 and January 2016. If based on review of the data, it appears further steps should be undertaken to meet the goal of eliminating suspensions for disruption and willful defiance by July 1, 2016, the Board will direct the Superintendent to implement such additional measures to achieve the goal of no suspensions for disruption and willful defiance by July 1, 2016. The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be specified by administrative regulation and must be consistent with the requirements set forth here. Effective January 1, 2015, the District may not involuntarily transfer a student in grades TK-3rd grade to another school based on a finding of disruption of school activities or willful defiance of the authority of school personnel (California Education Code section 48900(k)). Effective July 1, 2016, the District may not involuntarily transfer a student to another school based on a finding of disruption of school activities or willful defiance of the authority of school personnel (California Education Code section 48900(k)). Involuntary transfers may only occur following a recommendation for expulsion and after a hearing before the District’s Disciplinary Hearing Panel (DHP) consistent with the requirements in Education Code section 48918 and the notice and hearing procedures for expulsions. DHP shall recognize the use of a positive approach to student behavior and maximize instructional time for every student. An involuntary transfer to a continuation school must be made pursuant to Education Code section 48432.5. District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district’s nondiscrimination policies.

DUE PROCESS

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation.

Expansion of Restorative Justice, the Manhood Development Program, PBIS and other restorative and youth development approaches The Board recognizes that the District has made progress toward creating a positive school culture through various means, including through the use of Restorative Justice (RJ), Positive Behavioral Interventions and Supports, and the Manhood Development Program. The Board believes that the continued expansion of such programs is central to the creation of safe, healthy and supportive school environments for all students in the District. The Board supports and will prioritize funding for RJ, Manhood Development Program and PBIS programs and coordinators at school sites and professional development, coaching and support for teachers and administrators to successfully implement these programs. Supervised Suspension Classroom Superimposed suspension shall be imposed only when other means of correction have failed to bring about proper conduct. The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework.

The Board believes that, in many cases, it would be better to manage the student’s behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom. 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 Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law. Decision Not to Enforce Expulsion Order On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation.

Expungement of Student Disciplinary Records As provided in Board Policy 5144.3, effective January 15, 2014, a student, parent, guardian, appointed advocate on behalf of the student, or Superintendent on behalf of a student, may apply for expungement of student disciplines record which meet the criteria set forth in BP 5144.3.

Monitoring the Use of Suspension and Expulsion By July 1, 2015, the Superintendent shall promulgate Administrative Regulations that establish the procedures for regular, accurate, and public data reporting on disciplinary measures and interventions. The procedures will include at
least a requirement that the District make available on the District’s public website twice annually, within 60 days after the completion of each semester, data on school discipline, behavioral interventions, and student outcomes. The data will include at least the following: 1. The aggregate number and rates of office referrals, teacher suspensions, supervised inschool and out-of-school suspensions, involuntary transfers, expulsion referrals, expulsions, on-campus citations, and school-based arrests (from both OPD and OSPD), and four-year graduation and drop-out rates, disaggregated by all subgroups, including race, gender, ethnicity, English Language Learner status, socio-economic status, foster youth, homeless youth, and disability and by offense for the district and by school-site. 2. The number of instructional days and ADA funding lost to suspensions, transfers, and expulsions disaggregated by the aforementioned subgroups. 3. The school sites to which students were transferred after the Disciplinary Review Hearing procedure or through any involuntary transfer process, whether they enrolled subsequently, and the outcomes for such students, including, but not limited to, graduation and drop-out rates. 4. In reporting such data, the privacy of individual students and teachers shall be protected. Data will not be disaggregated in any manner that could reveal student identity to the public or to knowledgeable members of the school community. The data shall be reported for the district as a whole and for each school-site. 5. The procedures shall also include requirements that appropriate district and school officials regularly review this data and take action to address disparities or disproportionate use of punitive discipline measures for particular subgroups. Convene Safe And Strong Schools Sub-Committee The Superintendent shall convene a Safe and Strong Schools sub-committee as part of the Pathway to Excellence Strategic Plan Quality Community Schools Committee that will include parents, students, representatives from community organizations, teachers, administrators and partner organizations. The sub-committee will meet at least twice a year, one meeting to occur in January to review the annual report to OCR that is submitted in the fall of the prior year and review the District’s progress in successful implementation of RJ, PBIS and Manhood Development programs and the Three Year Plan (“Transforming School Culture” Three Year Plan, OCR Compliance Review No. 09125001); a zone meeting in October to review 1) the discipline data from the prior school year, 2) the District’s progress in successful implementation of RJ, PBIS and Manhood Development programs and the Three Year Plan (“Transforming School Culture” Three Year Plan, OCR Compliance Review No. 09125001), and 3) through June 30, 2016, data regarding suspensions for defiance in Grades 4 through 12. In reviewing the suspension for defiance data, the sub-committee shall consider whether to recommend that the Superintendent undertake additional measures if it appears the District is not on target for the successful elimination of willful defiance as a basis for suspension or expulsion for all grade levels TK-12 effective July 1, 2016. Annual Community Forum The Superintendent will convene a community forum in the Spring of 2016 and 2017 to update the community on transforming school climate and disparities in school discipline, including but not limited to the implementation of the VRP and the Three Year Plan and to establish a dialogue with the community about the types of non-policing resources and interventions needed to keep schools strong and safe and students out of the juvenile justice system. The Superintendent will report the results of the Community Forum to the Board during the Superintendent’s report as a part of a regularly scheduled Board meeting. The need to continue an annual forum will be considered as part of the districts exit plan from the VRP with the OCR in 2017.

Complaint Process

The Superintendent shall develop a complaint form to allow members of the school community and public to raise concerns if restorative justice or another restorative approach is not available at a school site as an alternative to suspension. The complaint form will be available on the District’s website, the District Discipline Office and the District Ombudsperson’s Office. The Ombudsperson shall investigate such complaints and within 90 days of complaint submission develop a plan with the school site for addressing the complaint and provide a written response to the complaining party. 5/13/15

APPENDIX O - AR 5144.2 STUDENTS SUSPENSION & EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

Procedures for Students Not Yet Eligible for Special Education Services A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district’s disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred. The district shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: 1. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, that the student is in need of special education or related services. 2. The behavior or performance of the student demonstrates the need for such services, in accordance with 34 CFR 300.7. 3. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.530-300.536 4. The teacher of the student or other district personnel has expressed concern about the behavior or performance of the student to the district’s director of special education or to other personnel in accordance with the district’s established child find or special education referral system. The district would be deemed to not have knowledge as specified in items 1-4 above if, as a result of receiving such information, the district either conducted an evaluation and determined that the student was not a student with a disability or determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination. If it is determined that the district did not have knowledge that the student was disabled prior to taking disciplinary action against the student, then the student shall be disciplined in accordance with procedures established for students without disabilities. 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 school authorities.

Suspension

The 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) do not constitute a change in placement pursuant to 34 CFR 300.519.

Services During Suspension

Students suspended for more than 10 school days in a school year shall continue to receive services during the term of the suspension, to the extent necessary to provide the student a free and appropriate public education. If a student with disabilities is excluded from school bus transportation, the student is entitled to be provided with an alternative form of transportation at no cost to the student or parent/guardian, provided that transportation is specified in the student’s IEP.

Interim Alternative Placement Due to Dangerous Behavior

A student with a disability may be placed in an appropriate interim alternative educational setting for up to 45 days when he/she commits one of the following acts: 1. Carries a weapon, as defined in 18 USC 930, to school or to a school function 2. Knowingly possesses or uses illegal drugs while at school or a school function 3. Sells or solicits the sale of a controlled substance while at school or a school activity as identified in 21 USC 812(c), Schedules I-V The student’s alternative educational setting shall be determined by the student’s IEP team. A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: 1. Determines that the district has established by substantial evidence, meaning beyond a preponderance of the evidence, that maintaining the current placement of the student is
substantially likely to result in injury to the student or others. 2. Considers the appropriateness of the student’s current placement. 3. Considers whether the district has made reasonable efforts to minimize the risk of harm in the student’s current placement, including the use of supplementary aids and services. 4. Determines that the interim alternative educational setting proposed by school personnel who have met with the student’s special education teacher allows the student to: a. Progress in the general curriculum and continue to receive those services and modifications, including those described in his/her IEP, to enable the student to meet the goals of the IEP b. Receive services and modifications designed to address the behavior and ensure that the behavior does not recur. The student may be placed in the interim alternative educational setting for up to 45 days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian.

Behavioral Assessment and Intervention Plan

Not later than 10 business days after a student has been suspended for more than 10 school days or placed in an alternative educational setting, the district shall convene an IEP team meeting to conduct a functional behavior assessment and implement a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior. As soon as practicable after developing the behavioral intervention plan and completing the required assessments, the IEP team shall meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions.

Procedural Safeguards/Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement is contemplated: 1. The parents/guardians of the student shall be immediately notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504 on the day the decision to take action is made. 2. Immediately if possible, but in no case later than 10 school days after the date of the decision, a manifestation determination review shall be made of the relationship between the student’s disability and the behavior subject to the disciplinary action. At this review, the IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information, including: a. Evaluation and diagnostic results, including the results or other relevant information supplied by the student’s parents/guardians. b. Observations of the student. c. The student’s IEP and placement in relationship to the behavior subject to the disciplinary action, the team shall then determine whether the IEP and placement were appropriate and whether supplementary aids, services, and behavioral intervention strategies were provided consistent with the student’s IEP and placement. The team shall also determine that the student’s disability did not impair the ability of the student to understand the impact and consequences of the behavior, nor did it impair his/her ability to control the behavior subject to the disciplinary action. If the team determines that the student’s behavior was not a manifestation of his/her disability, then the student may be disciplined in accordance with the procedures for students without disabilities, as long as the student continues to receive services to the extent necessary to provide that student a free and appropriate public education. If the team determines that the student’s behavior was a manifestation of his/her disability, then the student’s placement may be changed only via the IEP process.

Due Process Appeals

If the parent/guardian disagrees with a decision that the behavior was not a manifestation of the student’s disability or with any decision regarding placement, he/she has a right to appeal the decision. If the student’s parent/guardian initiates a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative setting pending the decision of the hearing officer or the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. If school personnel maintain that it is dangerous for the student to be placed in the current placement (placement prior to removal to the interim alternative education setting), during the pendency of the due process proceedings, the Superintendent or designee may request an expedited due process hearing.

Services During Expulsion

Expelled students shall continue to receive services during the term of the expulsion to the extent necessary to provide the student a free and appropriate public education. Any alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student’s IEP.

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened. Suspension of Expulsion The Board’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

Prior to the suspension or expulsion of any student, the 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 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 possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. Within one school day after a student’s suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. 8/25/04

APPENDIX P: BP 0410 - NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

The Governing Board is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(df. 1240 - Volunteer Assistance) (df. 4030 - Nondiscrimination in Employment) (df. 4032 - Reasonable Accommodation) (df. 4033 - Lactation Accommodation) (df. 4119.11/4219.11/4319.11 - Sexual Harassment) (df. 4161.8/4261.8/4361.8 - Family Care and Medical Leave) (df. 5131 - Bullying) (df. 5145.3 - Nondiscrimination/Harassment) (df. 5145.7 - Sexual Harassment) (df. 5146 - Married/Pregnant/Parenting Students) (df. 6145 - Extracurricular and Cocurricular Activities) (df. 6145.2 - Athletic Competition) (df. 6164.4 - Identification and Evaluation of Individuals for Special Education) (df. 6164.6 - Identification and Education Under Section 504) (df. 6178 - Career Technical Education) (df. 6200 - Adult Education)

District programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any derogatory or discriminatory
name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)
Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district’s policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district’s web site and, when available, district-supported social media.

(cf. 1113 - District and School Web Sites)  
(cf. 1114 - District-Sponsored Social Media)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
(cf. 5145.6 - Parental Notifications)

The district’s nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school’s students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 - Animals at School)  
(cf. 7110 - Facilities Master Plan)  
(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, notetakers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

(cf. 6020 - Parent Involvement)  
(cf. 9320 - Meetings and Notices)  
(cf. 9322 - Agenda/Meeting Materials)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district’s response to complaints and for complying with state and federal civil rights laws is hereby designated as the district’s ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

(cf. 1312.3 - Uniform Complaint Procedures)

8/25/04; 8/9/17A

APPENDIX Q: BP 4030 - NONDISCRIMINATION IN EMPLOYMENT

The Governing Board desires to provide a positive work environment where employees and job applicants are assured of equal access and opportunities and are free from harassment in accordance with law. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person’s actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 0432 - Reasonable Accommodation)  
(cf. 0433 - Lactation Accommodation)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)  
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)  
(cf. 4154/4254/4354 - Health and Welfare Benefits)  
(cf. 5145.7 - Sexual Harassment)

Prohibited discrimination consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.

The prohibition against discrimination based on the religious creed of an employee or job applicant includes any discrimination based on the person’s religious dress or grooming practices or any conflict between the person’s religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee or job applicant shall include any discrimination based on the person’s pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code 12926, 12940)

Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual’s employment opportunities, has the purpose or effect of unreasonably interfering with the individual’s work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district’s complaint procedures instituted pursuant to this policy.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)  
(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the District Ombudsperson, or the Chief Talent Officer who shall advise the employee or applicant about the district’s procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.
Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Ombudsperson or the Chief Talent Officer as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

Training and Notifications

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district’s policies and regulations regarding discrimination. (cf. 431- Staff Development) (cf. 431- Staff Development)

The Superintendent or designee shall regularly publicize, within the district and in the community, the district’s nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district’s policy shall be posted in all district schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

8/25/04; 10/26/11A; 2/25/15A

APPENDIX R: BP 5145.3 - NONDISCRIMINATION/HARASSMENT AND TRANSGENDER POLICY

Nondiscrimination Policy

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district’s academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student’s actual race, color, ancestry, national origin, ethnic group identification, citizenship, age, religion, marital or parental status, physical or mental disability, medical condition, status as a veteran or disabled veteran, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

The Governing Board recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. Further, the Board shall ensure equal opportunities for all students in admission and access to academic courses, guidance and counseling programs, athletic programs, testing procedures, vocational education and other activities.

Transgender Policy

California Law Prohibits Gender-Based Discrimination in Public Schools

The California Code of Regulations defines “gender” as: “a person’s actual sex or perceived sex and includes a person’s perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person’s sex at birth.”

This policy is meant to advise school site staff and administration regarding transgender and gender non-conforming student concerns in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of the District’s educational program.

Schools are expected to implement this Policy as follows:

• Names/Pronouns
  Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that is exclusively and consistently asserted at school.

• Official Records
  The District shall change a student’s official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to California legal requirements.

• Restroom Accessibility
  Students shall have access to the restroom that corresponds to their gender identity exclusively and consistently at school.

• Locker Room Accessibility
  Transgender students shall not be forced to use the locker room corresponding to their gender assigned at birth.

• Sports and Gym Class
  Transgender students shall not be denied the opportunity to participate in sports and gym.

• Dress Codes
  Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, within the constraints of the dress codes adopted at their school site.

• Gender Segregation in Other Areas
  As a general rule, in any other circumstances where students are separated by gender in school activities, students shall be permitted to participate in accordance with their gender identity exclusively and consistently asserted at school.

5 CCR Section 4910(k).

7/14/04; 10/26/11A; 11/14/12A

APPENDIX S: AR 5145.3 –TRANSGENDER STUDENTS

Students

The District is committed to providing a safe, supportive, and inclusive learning environment for all students, including transgender students. The District is also committed to ensuring that every student has equal educational opportunities and equal access to the District’s educational programs and activities.

This regulation sets out guidelines for supporting the needs and rights of transgender and gender nonconforming students. This regulation does not anticipate every situation that may arise with respect to transgender or gender nonconforming students. Schools are encouraged to assess the needs of each transgender or gender nonconforming student on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student.

Definitions

The definitions below are intended to clarify the guidance provided in this regulation. Students may or may not use these terms to describe themselves.

• Gender identity means a person’s gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s sex at birth.

• Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

• Gender expression means a person’s gender-related appearance and behavior whether or not stereotypically associated with the assigned sex at birth.
• Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Applicable Laws and Policy

The California Education Code states that "all pupils have the right to participate fully in the educational process, free from discrimination and harassment." Cal. Ed. Code Section 201(a). California Education Code 221.5(f) specifically requires that "[a] pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil’s records."

The California Code of Regulations similarly provides that "[n]o person shall be excluded from participation in or denied the benefits of any local agency’s program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an ‘educational institution’ or any other ‘local agency’ . . . that receives or benefits from any state financial assistance.” 5 CCR Section 4900(a). The California Code of Regulations defines “gender” as: “a person’s actual sex or perceived sex and includes a person’s perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person’s sex at birth.” 5 CCR Section 4910(k). Board Policy 5141.3 prohibits discrimination against transgender and gender nonconforming students.

Privacy

Students have a right to decide when, with whom, and how much personal information to share with others. This right to privacy includes the right to control dissemination of information about one’s gender identity, including one’s transgender status, or sexual orientation.

School personnel should not disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others unless legally required to do so, the student has authorized such disclosure, or there is a specific “need to know.” In the rare circumstances where disclosure is necessary, school officials shall inform the transgender student of the need to disclose and provide the student with an opportunity to make the disclosure themselves before making any disclosure.

Names/Pronouns

A student has the right to be addressed by a name and pronoun corresponding to their gender identity that is exclusively and consistently asserted at school. Upon request, a school shall recognize a student’s gender identity that is exclusively and consistently asserted at school.

The intentional or persistent refusal to respect a student’s gender identity, as opposed to an inadvertent slip or honest mistake, is a violation of this regulation. For example, intentionally referring to the student by a name or pronoun that does not correspond to the student’s gender identity would violate this regulation.

School Records

The District is committed to ensuring that students are addressed by the name and pronoun corresponding to their gender identity that is exclusively and consistently asserted at school. A parent/guardian may request that their child’s name or gender be changed in official school records to reflect a gender transition without a court order. To do so, a parent/guardian must submit the School Roster Information Change Request Form to the Student Assignment Center. District staff will undertake efforts to ensure that a change in name and gender is reflected throughout the District’s electronic information systems.

The District is required to maintain a mandatory permanent pupil record (“official record”) that includes a student’s legal name and legal gender. The birth certificate or hospital document with legal name and gender will be maintained in the cumulative folder, as required by state regulation. 5 Cal. Code. Reg. 432(b)(1)(A).

Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity exclusively and consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such restroom.

Locker Room Accessibility

Students shall have access to use facilities consistent with their gender identity as expressed by the student and asserted at school, irrespective of the gender listed on the student’s records, including but not limited to locker rooms. Where available, accommodations may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such accommodations shall be a matter of choice for a student, and no student shall be compelled to use such accommodations. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor’s office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student’s ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student’s gender identity.

Gender-Segregated Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Transgender and gender nonconforming students shall be permitted to participate in gender-segregated physical education classes, interscholastic athletic teams, and intramural sports in a manner consistent with their gender identity.

As a general rule, in any other circumstances where students are separated by gender in school activities or programs (i.e. class discussions, field trips), students shall be permitted to participate in accordance with their gender identity that is exclusively and consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case by case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression.

Discrimination/Harassment

Transgender and gender nonconforming students must be provided a safe school environment and protected from discrimination and harassment in the public school system. Staff must respond appropriately to ensure that schools are free from any such discrimination or harassment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person’s actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

Complaints about violations of BP S145.3 or this regulation should be handled through the Uniform Complaint Procedures. Cal. Code of Reg. tit.
when it is appropriate and when it is not appropriate to refer a student to an OSPO officer.

To the extent that disparities exist for referrals to, contacts with, and arrests or citations of students for any student subgroup, OUSD staff shall develop and implement school-focused, District-wide interventions that focus on providing the greatest amount of support to schools showing the greatest disparities in contacts and arrests and share information about these interventions with the Board of Education on a bi-annual basis.

1. STUDENT DISCIPLINE: REDUCING LAW ENFORCEMENT CONTACT AND ARRESTS

OUSD administrators have primary responsibility to ensure consistent enforcement of school rules and policies. No OSPO officer or school security officer shall act as a school disciplinarian. Disciplining students is the responsibility of non-OSPO/non-school security officer staff at the school sites.

OSPO officers should not be requested to interview students or collect evidence for only OUSD disciplinary purposes, including for expulsion matters.

Effective the 2014/2015 school year, OUSD administrators shall prioritize and document alternatives to police involvement, such as the use of restorative justice practices, and use law enforcement only as a last resort in relation to student conduct and only for incidents for which law enforcement is necessary to address a serious threat to school safety. (See, e.g., OUSD’s Restorative Justice Webpages located at the following Internet address: www.osouk12.ca.us/Page/1040.)

2. OFFICER ENTRY ON SCHOOL CAMPUSES

Absent exigent circumstances, OSPO officers should notify school officials (e.g., the principal or assistant principal) of their presence and/or purpose when they enter a school campus.

3. ARREST OR QUESTIONING OF A STUDENT

OUSD shall abide by Education Code Section 48906, which requires that a school official must make immediate parental/guardian notification upon police arrest of a student, excepting when the local school is taken into custody as a suspected victim of child abuse or pursuant to Section 305 of the Welfare & Institutions Code. OUSD policy requires that a school official must immediately attempt to inform a parent/guardian of that student’s arrest. (See OUSD Board Policy 5145.6, 5145.11; Administrative Regulation 5145.11.)

Before summoning law enforcement for the commission of low-level school-based offenses, such as possession of alcohol or marijuana or physical altercations, OSPO staff should exhaust all other alternatives, such as issuing a warning, admonishing and counseling, and referring to restorative justice or mediation. OUSD shall develop a matrix for and track the use of such alternatives.

A school official must take immediate steps to contact a parent/guardian to get oral consent to permit any police interrogation of the minor, unless the child is a suspected victim of child abuse. If the parent or guardian requests that the pupil not be questioned until he or she can be present, the pupil may not be made available to the peace officer for questioning until the parent or guardian is present.

Efforts to contact parents by OUSD officials must include calling all numbers listed on an emergency contact card, including work numbers, pager numbers, and any numbers supplied by the student, as well as email addresses.

Absent extenuating circumstances, police will avoid interviewing and apprehending students at a school for non-school-related issues. Extenuating circumstances shall include, but not be limited to, officers entering school premises in “hot pursuit” of a suspect, or ongoing investigation of a serious nature or felony, or for child abuse investigation, or in response to an emergency, or crime being committed on school

APPENDIX U: BP 5145.13 – TRACKING AND REDUCING STUDENT CONTACTS WITH AND ARRESTS BY LAW ENFORCEMENT: OUSD STAFF RESPONSIBILITIES AND OBLIGATIONS

The Oakland Unified School District (“OUSD”) is committed to:

- Improving outcomes for black students as one of its foremost priorities;
- Prioritizing alternative, non-punitive approaches to addressing difficult student behaviors that help improve student behavior and create a safer school climate;
- Using law enforcement only as a last resort in relation to student conduct and only for incidents for which law enforcement is necessary to address a serious threat to school safety;
- Avoiding the unnecessary criminalization of OUSD students for whom arrest and juvenile court involvement creates serious potential long-term consequences; and
- Providing district employees with information concerning the role that Oakland Schools Police Department (“OSPO”) officers are expected to play in the discipline process, focusing in particular on guidelines for

APPENDIX T: BP 5145.11 STUDENTS

Questioning and Apprehension

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer’s identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

At the law officer’s discretion and with the student’s approval, the principal or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student’s parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

(cf. 5142 - Safety)

Subpoenas

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

8/25/04
property.

4. LOCATION OF ARREST, PRIVACY OF STUDENT, AND CONSIDERATIONS OF CAMPUS CLIMATE

A private location out of sight and hearing of other students should be arranged for the arrest of a student, where practicable, that will help avoid invasion of the student’s privacy, jeopardizing the safety and welfare of other students, and further disruption of the school campus.

5. TRAINING ON AND DISTRIBUTION OF POLICY

Within 3 months of this policy’s adoption, OUSD shall ensure that it is distributed to all school staff and OSPD shall ensure that it is distributed to all OSPD school police officers and that training about how to implement this policy is provided at least once per year.

OUSD shall also ensure that this policy is distributed to all of its school sites.

5/28/14

APPENDIX V: BP 5145.14 - TRACKING AND REDUCING STUDENT CONTACTS WITH AND ARRESTS BY LAW ENFORCEMENT: OSPD RESPONSIBILITIES AND OBLIGATIONS

1. GOALS AND ACTION PLAN

Oakland Unified School District’s (“OUSD”) goals are (1) to reduce disproportionate minority contact with police and the juvenile justice system and (2) to reduce the rate of school-based arrests and citations while maintaining a safe school climate.

To the extent such disparities exist, the Oakland Schools Police Department (“OSPD”) shall set goals for reducing the disparities and develop an action plan to reach such goals, that should include but not be limited to officer training on topics such as implicit bias, child development and cultural competency. OSPD shall also identify any services or resources that are needed from OUSD to support students with multiple law enforcement contacts and to reduce such contacts.

2. DATA TRACKING AND PUBLIC REVIEW

For purposes of this section:

• “School-related offenses” is defined as a criminal offense occurring or originating on an OUSD school site during hours the school site is regularly open to the public or its students for school-related business.

• “School site” is defined as the property upon which the school is located. It also includes any location where a school-sponsored event is being held for the duration of such event.

• “Student” refers only to students who are enrolled in an OUSD public school (but not charter or private schools).

OSPD will provide the OUSD Board of Education (“BOE”), on a bi-annual basis, the information in (A) through (D) regarding the:

(A) Number of arrests of students made:

(1) By OSPD on OUSD school sites for school related offenses.
(2) By OSPD on OUSD school sites for non-school related offenses.
(3) By OSPD off OUSD school sites for school related offenses.

(B) Number of times OSPD issued a citation to a student.

(C) Number of times OSPD was called to OUSD school sites and the type of call (e.g., trespassing, disruption, battery, possession of a weapon).

(D) Complaints: A summary of any complaints filed against OSPD officers pursuant to the OUSD Complaints Policy (Approved June 27, 2012), in the form and manner required by that policy.

Such data in (A) - (B) shall be disaggregated by offense, age, race, ethnicity, gender, and whether or not a student with an Individualized Education Plan

or Section 504 Plan was arrested or cited.

The data in section (C), above, shall be reported for the first time in the summer of 2015.

The significance of disproportionate minority contact with OSPD police officers, according to the foregoing anticipated data, shall inform and impact the development of the action plan contemplated in Section 1, above. OSPD shall provide the BOE an update on any such action plan on a bi-annual basis.

3. STUDENT DISCIPLINE: REDUCING LAW ENFORCEMENT CONTACT

OUSD administrators have primary responsibility to ensure consistent enforcement of school rules and policies. No OSPD officer or school security officer shall act as a school disciplinarian. Disciplining students is the responsibility of non-OSPD/non-school security officer staff.

For the commission of low-level school-based offenses, such as possession of alcohol or marijuana or physical altercations, OSPD officers should exhaust all other alternatives, such as issuing a warning, admonishing and counseling, and referring for community service, restorative justice, or mediation. OUSD shall develop a matrix for and track the use of alternatives.

4. ARRESTS OR SUMMONS ON SCHOOL CAMPUSES

In an effort to minimize disruption to the learning environment, OSPD officers should consider the reasonableness of making an arrest on campus or summoning a student from a classroom. When considering whether it is reasonable to arrest or summon a student on campus, the officer should consider the following:

• Whether the arrest or summoning is in response to the commission of a school-related offense;
• The seriousness of the offense;
• Whether there is an imminent threat to public safety;
• Federal or state requirements;
• Whether the officer is able to accomplish the arrest by other means.

If the arrest is not reasonable given the considerations listed above, the arrest or summons of the student should be made at another time/place.

Absent exigent circumstances, OSPD officers should coordinate with designated school officials (e.g., the principal or assistant principal) if, after taking into account the reasonableness of such an arrest as outlined above, they determine it is necessary to make an arrest on campus.

A private location out of sight and hearing of other students should be arranged for the arrest of a student, where practicable, that will help avoid invasion of the student’s privacy, jeopardizing the safety and welfare of other students, and further disruption of the school campus.

5. OFFICER ENTRY ON SCHOOL CAMPUSES

Absent exigent circumstances, OSPD officers should notify school officials (e.g., principal or assistant principal) of their presence and/or purpose when they enter a school campus.

6. ARREST AND QUESTIONING OF STUDENT SUSPECT

OSPD shall abide by Welfare and Institutions Code Section 627, which requires, among other things, that when an officer takes a minor before a probation officer at juvenile hall or to any other place of confinement pursuant to Division 2, Part 3, Chapter 2, Article 1 of the Welfare and Institutions Code, the officer shall take immediate steps to notify the minor’s parent, guardian, or a responsible relative that such minor is in custody and the place where the minor is being held. This provision does not apply to when a child is taken into custody as a suspected victim of child abuse or pursuant to Section 305 of the Welfare & Institutions Code.

Absent extenuating circumstances, police will avoid interviewing and apprehending students at a school for non-school-related issues.
Extenuating circumstances shall include, but not be limited to, officers entering school premises in “hot pursuit” of a suspect, or ongoing investigation of a serious nature or felony, or for child abuse investigation, or in response to an emergency, or crime being committed on school property.

Law enforcement shall make every effort to handle law enforcement related issues that are not school-related outside of school.

Immediately prior to questioning a student who is in custody, OSPD officers shall advise the student of the Miranda admonishment. The OSPD officer shall make every effort to ensure that the student fully understands the Miranda admonishment, including by checking for understanding and explaining any terms that may or may not make sense to the student, and invoking Miranda in the student’s primary language if not English. If the student decides to proceed with answering questions after the Miranda admonishment, the officer shall tell the juvenile that he or she may have a parent/guardian present before and during an interrogation and that he or she may decide to wait for the parent before questioning begins. A request by a student to have a parent/guardian present may be interpreted by the courts as an innovation of the right of the student to remain silent.

Any OSPD questioning of a student who is in custody shall be conducted in the language appropriate to the age and to ensure that the student understands the OSPD officer, if the student decides to answer questions or provide information.

7. TRAINING AND DISTRIBUTION OF POLICY

Within 3 months of this policy’s adoption, OUSD shall ensure that it is distributed to all school staff and OSPD shall ensure that it is distributed to all OSPD school police officers and that training is provided at least once per year.

5/28/14

APPENDIX W: BP 5124 COMMUNICATION WITH PARENTS/GUARDIANS; TRANSLATION AND INTERPRETATION SERVICES

Because parents/guardians have a right to be informed about their child’s academic achievement and may use this information to support student learning, the Governing Board encourages frequent communication to parents/guardians about student progress. The principal and teacher may communicate by means of conferences, class newsletters, mail, telephone, and/or school visits by parents/guardians.

(cf. 1250 - Visitors/Outsiders)
(cf. 6020 - Parent Involvement)

As part of this communication, teachers shall send progress reports to parents/guardians at regular intervals and shall encourage parents/guardians to communicate any concerns to the teacher. In addition, the district shall send parents/guardians all notifications required by law.

(cf. 5113 - Absences and Excuses)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.6 - Parental Notifications)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.5 - Student Assessment)

The Superintendent or designee shall ensure that appropriate means of communication are established whenever he/she learns that a parent/guardian, for any reason, may not be able to understand written communications from school or oral communications made during conferences related to the student’s program, assessment, progress or school activities.

As needed, the Superintendent or designee shall use interpreters who are fully competent in the specialized method of communication needed for effective communication with disabled parents/guardians.

It is the District’s policy, to the fullest extent practicable and consistent with law, that English learners and parents who speak languages other than English are provided translation and interpreting services, when necessary. Translation and interpreting services allow families of other language backgrounds to fully participate in the education of their children by receiving communication of high quality, equal to the communication provided in English to other families.

Commencing in the 2014-15, the District will include in the Parent Guide, a summary of the District’s translation and interpretation guidelines, and an explanation of how to access services.

In addition to the legal requirements to provide translation and interpretation services, any document about a specific student sent to a parent or guardian, including documents related to school related activities, such as field trips, after school activities, testing and safety related information, shall be translated into a language the parent(s) can understand, regardless of the percentage of students in the school or District who speak that language. The principal or designee is responsible for arranging such translations with the support of the District’s Translation Unit, if necessary.

Interpretation services must be provided where necessary to enable parents and guardians to participate in school based as well as District-wide programs and activities, including but not limited to:

a. Meetings of the District Governing Board
b. Meetings of school and District Advisory Committees (School Site Council, District English Learner Advisory Committee, Community Advisory Committee for Special Education, etc.)
c. Parent information meetings and activities
d. Individualize Education Plan (IEP) meetings
e. Individualize Family Service Plan (IFSP) meetings
f. Disciplinary Hearing
g. All communications concerning referral, assessment or placement of students for special education, including SST, IEP and Section 504 meetings

Children shall not be used to translate except in an emergency.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6174 - Education for English Language Learners)

The Superintendent or designee shall establish a procedure whereby parents/guardians may request an interpreter and shall inform parents/guardians about this procedure.

The Superintendent shall establish administrative guidelines to fully implement this Board Policy.

8/25/04; 10/9/11A

PERSONNEL

BP 4119.21

PROFESSIONAL STANDARDS

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district’s educational programs, and contribute to a positive school climate.

(cf. 0200 - Goals for the School District)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or
professional associations to which they may belong.

(cf. 2111 - Superintendent Governance Standards)
(cf. 9005 - Governance Standards)

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. 0450 - Comprehensive Safety Plan)
(cf. 4158/4258/4358 - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time

6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members

7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 4020 - Drug and Alcohol Free Workplace)
(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

9. Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records

10. Divulging confidential information about students, district employees, or district operations to persons not authorized to receive the information

(cf. 3580 - District Records)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using district equipment or other district resources for the employee’s own commercial purposes or for political activities

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee’s consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

An employee who observes or has evidence of another employee’s inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district’s child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 4117.4 - Dismissal)
(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee’s inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district’s complaint process shall be subject to discipline.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
44242.5 Reports and review of alleged misconduct
PENAL CODE
11164-11174.4 Child Abuse and Neglect Reporting Act
CODE OF REGULATIONS, TITLE 5
80303 Reports of dismissal, resignation and other terminations for alleged misconduct
80331-80338 Rules of conduct for professional educators

Management Resources:
COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
California Standards for the Teaching Profession, 2009
COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS
NATIONAL EDUCATION ASSOCIATION PUBLICATIONS
Code of Ethics of the Education Profession, 1975
BP 5145.9 – HATE-MOTIVATED BEHAVIOR

STUDENTS

The Oakland Unified School District affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the District to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of all people in our community. Behavior or statements that degrade an individual on the basis of his or her race, color, national origin, ancestry, ethnic group identification, citizenship, sex, gender, gender identity, sexual orientation, marital status, physical or mental disability, medical condition (cancer-related), religion, age or status as a Vietnam-era Veteran or special disabled veteran shall not be tolerated.

Any student who feels that he or she is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he or she may file a complaint in accordance with the District’s Uniform Complaint Procedures.

In addition, the District may provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior. The District may also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways. The District shall provide age-appropriate instruction to help promote understanding of and respect for human rights.

At the beginning of each school year, students and staff shall receive a copy of the District’s policy on hate-motivated behavior.
# AUTHORIZATION FOR MEDICATION

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The California Education Code relating to the dispensing of medications at school states:

49423, Notwithstanding the provisions of Section 49422, any student who is required to take, during the regular school day, medication prescribed for him/her by a healthcare provider, may be assisted by the school nurse or other designated school personnel if the school district receives (1.) a written statement from such provider detailing the method, amount, and time schedules by which such medication is to be taken and (2.) a written statement from the parent or guardian of the student indicating the desire that the school district assist the student in the matter set forth in the provider’s statement.

## TO BE COMPLETED BY A LICENSED PROVIDER.

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<th>B. Name of Medication (generic and brand)</th>
<th>Reason for Medication</th>
<th>Route</th>
<th>Dosage</th>
<th>Time</th>
<th>Self-Administer?</th>
<th>Self-Carry?</th>
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Please Note:
- All medication must be brought to school in an original container and appropriately labeled by the pharmacist.
- School Nurse and prescribing provider may communicate to clarify matters related to this medication.
- New orders are required annually and for any changes in medication regimen.

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<th>Provider’s Name</th>
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<th>Provider’s Signature</th>
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I request that the school nurse, or other person designated by the principal, administer the medication as directed by the physician:

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<th>Parent/Guardian Name (please print)</th>
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<th>Reviewed by (Name of School Nurse)</th>
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<th>Signature of School Nurse</th>
<th>Date</th>
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MEDIA OPT-OUT FORM

Please sign and return the attached form only if you DO NOT want your child to be photographed or filmed by the media outlets or other organizations for use in print, television, film or Internet publications.

Dear Parent or Guardian,

There are times when our school may be featured in various media. News reporters, photographers and/or film crews from TV, radio stations, newspapers or magazines may wish to photograph and/or film your child in relation to a story about our schools or students. Your child’s name, grade may be included in the report. Classrooms might also participate in video-conferencing on the Internet. Our schools are also visited by community organizations or partners who are providing services to students. These organizations or partners may wish to photograph your child and may want to use the photograph and/or your child’s name and the name of the school in their publications and informational materials.

We will make every effort to honor your request, however, please be aware that there may be circumstances when your child may be photographed or filmed beyond our control. Please discuss your wishes with your child so that s/he knows if you do not want your child to be photographed or filmed.

PLEASE SIGN AND RETURN TO YOUR CHILD’S SCHOOL SITE only if you do not want your child to be photographed or filmed.

☐ I DO NOT want my child to be photographed or filmed by members of the media, organizations or agencies at school, for use in print or Internet publications, documentaries, films or video, to the extent that the school can prevent such contact.

Please print neatly:

_____________________________________________________
Child’s Name

_____________________________________________________
Name of Parent/Guardian

_____________________________________________________
Date

_____________________________________________________
Telephone Number of Parent/Guardian
REQUEST FOR NOTIFICATION OF INDIVIDUAL PESTICIDE APPLICATION

☐ I would like to be notified before each pesticide application at this school. I understand that the notification will be sent home via e-mail or with my child, or provided to me as a school staff member, at least 72 hours before application.

Please print neatly:

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<th>School(s)</th>
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<tr>
<th>Name of Parent/Guardian or Staff member</th>
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<tr>
<th>Student Name</th>
<th>Classroom or Homeroom Number</th>
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<th>Address</th>
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<th>Day Phone</th>
<th>Evening Phone</th>
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I would prefer to be contacted by email at:

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<th>Signature</th>
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You can find more information regarding these pesticides and pesticide use at the California Department of Pesticide Regulation’s website at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

Note to Site Administrator: Please file original in the main office and create your master site registry. Once you receive notice of any planned pesticide application, notify all persons on your registry at least 72 hours before application.
USE OF STUDENT IMAGES/SCHOOLWORK OPT OUT FORM

This is an OPTIONAL form. PLEASE SIGN AND RETURN ONLY IF YOU WISH TO WITHHOLD PERMISSION.

Oakland Unified School District often includes images of students engaged in school activities and events as part of outreach and information about our programs for parents, family, and the wider community. Community partners and qualified individuals or groups such as parent-teacher organizations value these images as compelling ways to share and urge support for the work of our teachers and students and they are also needed for use in certain school publications such as yearbooks, playbills, recognition lists/honor rolls, graduation programs or sports activities.

During the school year, your student may be photographed or filmed by District staff while participating in school programs and activities. We would like to have the opportunity to use these images on the District or community partner websites and/or in related publications.

We will make every effort to honor your request, however, please be aware that there may be circumstances where your child may be photographed or filmed beyond our control.

If you wish to opt out, please check the box below and return this form to the school office by August 31:

☐ I DO NOT want my student’s individual photo or schoolwork/artwork to be published in any district or community partner website or publication. I understand that my student may appear, unidentified, in group photos or videos.

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<tr>
<th>Student’s Name</th>
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<th>Parent/Guardian Name</th>
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<tr>
<th>Parent/Guardian Signature</th>
<th>Date</th>
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Key District Websites

All website addresses begin with [www.ousd.org](http://www.ousd.org) unless a complete web address is given.

Advocate / Get Involved with OUSD .........................................../getinvolved
Adult and Career Education ....................................................../oace
African American Male Achievement (AAMA) ............................../aama
African American Female Excellence (AAFE) ............................../aafe
Alternative Education ............................................................../altet
Asian Pacific Islander Student Achievement (APISA) ................./apisa
Attendance and Discipline Support ........................................./attendance
Blueprint for Quality Schools ................................................../blueprintforquality
Board of Education ................................................................../boe
Buildings & Grounds ................................................................../facilities
careers
Office of Charter Schools ........................................................../www.ousdcharters.net
Communications Office ........................................................./communications
Community of Schools Citywide Plan ........................................../citywideplan
Community Schools & Student Services ...................................../communityschools
Complaints / Ombudsperson ...................................................../ombudsperson
Early Childhood Education ......................................................./ece
English Language Learner & Multilingual Achievement ............../ellma
Enrollment / Student Welcome Centers ...................................../enroll
Facilities Department & Current Projects ................................../facilities
Finance Department .............................................................../finance
Fiscal Vitality ........................................................................../fiscalvitality
Health Services ......................................................................./healthservices
High School Office ................................................................../highschool
Homeless Family Support ........................................................./transitionalstudents
Latino/a Student Achievement ................................................../isa
Legal Department ...................................................................../legal
Linked Learning ........................................................................../linkedlearning
Local Control and Accountability Plan (LCAP) .........................../lcap
Meal Menus ............................................................................./menus
News / Press Releases / Subscribe to Newsletters ......................./newsroom
Nutrition Services ....................................................................../nutrition
Refugee & Asylee Program ......................................................./transitionalstudents
Research, Assessment & Data (RAD) ........................................./rad
Sanctuary District ...................................................................../sanctuary
School Directory / Find A School / Find a Principal ...................../schools
School Security / OUSD Police ................................................../police
Special Education ...................................................................../specialeducation
Superintendent ......................................................................./superintendent
Transitional Students and Families Unit ...................................../transitionalstudents
Translation Services ................................................................../translation
Transportation ............................................................................/transportation
Volunteering .........................................................................../www.oaklandedfund.org/volunteer

For referral to an office or program not listed, please call 510-879-8200 or visit [www.ousd.org/directory](http://www.ousd.org/directory)
## 2019-20 School Calendar

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- Jul 4: Independence Day
- Aug 7: Professional Development Day
- Aug 8: Collaboration Day / Work Day
- Aug 9: Teacher Work Day
- Aug 12: First Day of School
- Sep 2: Labor Day
- Sep 20: End of Marking Period (Secondary)
- Sep 27: Professional Development Day
- Oct 14: In Lieu of Lincoln’s Birthday
- Nov 1: End of Marking Period (Secondary)
- Nov 8: End of Report Period (Elementary)
- Nov 11: Veteran’s Day
- Nov 25-29: Thanksgiving Break
- Dec 20: End of Marking Period (Secondary)
- Dec 23-31: Winter Break
- Jan 1-3: Winter Break
- Jan 20: Martin Luther King, Jr. Day
- Jan 31: Professional Development Day
- Feb 17: Presidents’ Day
- Feb 21: End of Marking Period (Secondary)
- Mar 13: End of Report Period (Elementary)
- Mar 27: In Lieu of Cesar Chavez Day
- Mar 30-Apr 3: Spring Break
- Apr 10: End of Marking Period (Secondary)
- May 25: Memorial Day
- May 28: Last Day of Instruction
- May 29: Teacher Work Day
- Jun 5: Summer Learning Teacher Work Day
- Jun 8: Summer Learning Begins

- First/Last Day of School
- Schools, District Offices & Child Development Centers Closed
- Schools & Child Development Centers Closed (District Offices Open)
- Schools Closed (District Offices & Child Development Centers Open)
- No School for Students
- Marking Periods/ Report Card Periods
  Individual student progress reports are sent to families within two weeks of these dates
- Summer Learning
  www.ousd.org

1000 Broadway, Ste. 680, Oakland, CA 94607