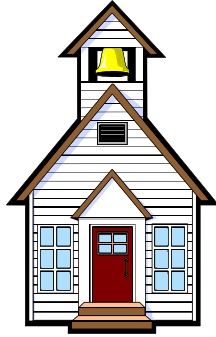


Miller Creek School District Policy Handbook



Copies of the following policies are included in this booklet:

- 1230 Parent/Guardian Involvement
- 1312 Complaints Concerning District Employees
- 1326 Nondiscrimination Notice
- 1331 Communication Channels
- 1332 Sex Offender Notification
- 5114 Student Suspension and Expulsion/Due Process
- 5114.1 Student Drug, Alcoholic Beverage or Intoxicant Use (additional information)
- 5114.2 Prevention of Student Drug Abuse (additional information)
- 5117 Interdistrict Transfer Agreements
- 5119 Parent-Initiated Intra-District Assignment of Students
- 5119.1 Open Enrollment
- 5130 Bullying
 - ~ Incident Report Form
- 5131 Discipline
- 5131.62 Tobacco
- 5145 Questioning of Pupils by Legitimate Law Enforcement Officers
- 5145.7 Sexual and Gender-Based Harassment (Students)
 - ~ Harassment Report Form
- 5204 Internet Safety
 - ~ Sample: Internet Use Agreement Form
- 6170 Uniform Complaint Procedures Concerning School and District Programs

Dear Parents/Guardians:

Each school year, every school district is required to notify parents/guardians of certain legal rights as reflected in state and federal law. Most of these requirements are covered in the "Parents Annual Notice" publication that is available at the school sites or on the Miller Creek School District website: www.millercreeksd.org. The remainder, several of which are designed to enhance the well-being and safety of students, are included in this Policy Handbook. Additional policies have been included which may be informative or useful to review.

Important: All parents need to know that it is illegal for a student to attend school in the Miller Creek School District while living outside of the Miller Creek School District boundaries, unless that student has applied for an Interdistrict Attendance Transfer which has been approved by the Miller Creek Superintendent. If a family moves outside of the District, even if it is the middle or end of the school year, they must notify their child's school (i.e. Lucas Valley, Silveira, Vallecito, or Miller Creek) of their change of address and then apply for an Interdistrict Attendance Transfer in order to keep their child in a Miller Creek District school. Also, please note that the student will have to re-apply each year and that there is absolutely no guarantee at any time that the student's application will be approved, due to class and grade size limitations. The Superintendent recommends that this information be taken into serious consideration before applying.

Please read the Interdistrict Attendance policy for more details. The Interdistrict Transfer form is available on the Miller Creek School District website. All transfer students and parents must also sign an Attendance Contract, which outlines behavioral and attendance requirements.

Additionally, the district has a policy on open enrollment, or Intra-district Attendance. Each spring, the district sends out additional information regarding the process required for district residents to attend a school other than the school in their attendance area, but still within the district.

If you have any specific questions or concerns about the information contained in this Policy Handbook, please contact the District Office at (415) 492-3700.

Thank you for your attention.

Becky Rosales
Interim Superintendent

**MILLER CREEK SCHOOL DISTRICT
Policy 1230**

PARENT/GUARDIAN INVOLVEMENT

The Governing Board recognizes that a child's education is a responsibility shared by school and family. To support the District mission to educate all students effectively and to their highest potential, schools and parents must work as partners.

Each school in the District shall have a program of parent involvement. This program will be designed to promote frequent, clear two-way communication between the school and family regarding their child's academic achievement, social progress, and school programs; to provide parents with knowledge of effective parenting skills, school and community support services, and appropriate techniques to help their children learn at home; to support parents as decision makers and to develop their leadership in governance, advisory, and advocacy roles; and to involve parents, through appropriate training, in instruction and support roles at the school.

Although parents are diverse in culture, language, and needs, they overwhelmingly share the school's commitment to the educational success of their children. This success cannot be the sole responsibility of a single program such as Chapter I or School Improvement or a group of individuals. All schools must involve parents at each grade level and in a variety of roles as part of the program of parent involvement.

Adopted 11/26/91

**MILLER CREEK SCHOOL DISTRICT
Policy 1312**

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Complaint Procedures

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or the individual, and whether it should be resolved by the district's process for complaints concerning personnel, other district procedures, or both.

The Governing Board shall annually review district policies and regulations related to complaints against school personnel.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to resolve concerns by speaking with the staff member personally.
2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal. If the complainant does not submit a complaint in writing, the employee's immediate supervisor or the site principal shall put any serious complaint in writing.
3. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements within five (5) school days.
4. All complaints regarding district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to a Board member or to the Superintendent shall be initially filed in writing with the Board.
5. A written complaint must include:
 - a. The name of each employee involved.
 - b. A brief but specific summary of the complaint and the facts surrounding it, and
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.
6. The person responsible for investigating the complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved within 20 school days.

7. The complainant may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 20 school days. After the decision by the Superintendent or designee, the complainant, the employee, and/or the Superintendent or designee may ask to address the Board regarding the complaint. Any appeal must be made within 20 school days of the date of the decision.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not be limited to:
 - a. The name of each employee involved.
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense.
 - c. A copy of the signed original complaint.
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.
9. The Board may choose to make a decision on the appeal without hearing the complaint based on receipt of written material from both complainant and district personnel.
10. All parties to a complaint may be asked to attend a Board meeting in order to present all available evidence and allow every opportunity for explaining and clarifying the issue.
11. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code 35146 or 48918 or Government Code 54957 or 54957.6.
12. Any decision of the Board shall be final.

Complaints Regarding Child Abuse

When a complaint of child abuse is alleged, the district shall provide parents/guardians procedures for filing a child abuse complaint against a school employee or other person who commits an act of child abuse at a school site. Education Code 48987 requires the district to give these procedures to parents/guardians upon request, in their primary language.

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

Legal Reference: Ed. Code 33308.1, 35146, 35160.5, 44031, 48918, 48987
cf. 1312.2 - Complaints Concerning Instructional Material
cf. 1312.3 - Uniform Complaint Procedures
cf. 5141.4 - Child Abuse Reporting Procedures
cf. 9321 - Closed Session Purposes and Agendas
Cf. 9323 - Meeting conduct
SB 36 (Ch. 1137, Statutes of 1993)
Government Code 54957, 54957.6
Penal Code 11165.12, 11165.14, 11172

Adopted: 11/28/84

Amended: 9/24/96

NONDISCRIMINATION NOTICE

The Miller Creek School District does not discriminate on the basis of race, color, national origin, sex, handicap, or age in any of its policies, procedures, or practices, in compliance with Title VI of the Civil Rights Act of 1964 (pertaining to race, color, and national origin), Title IX of the Education Amendments of 1972 (pertaining to sex), Section 504 of the Rehabilitation Act of 1973 (pertaining to handicap), and the Age Discrimination Act of 1975 (pertaining to age). This nondiscrimination policy covers admission and access to, and treatment and employment in, the District's programs and activities.

Inquiries regarding the equal opportunity policies, the filing of grievances, or a copy of the Title IX or Section 504 Grievance Procedures may be directed to:

Business Manager
Title IX Coordinator and
Section 504 Coordinator
Miller Creek School District
380 Nova Albion Way
San Rafael, CA 94903

Telephone (415) 492-3710

The Miller Creek School District recognizes its obligation to provide overall program accessibility throughout the District for handicapped persons. Contact should be made with the Section 504 Coordinator to obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

In accordance with Section 504 of the 1973 Rehabilitation Act, the Miller Creek School District is desirous that problems and complaints of alleged discrimination brought by employees, students, parents or guardians be resolved in an informal manner, as established in the Procedures Handbook, at the earliest possible time and at the most immediate level in the school district organization. A copy of the handbook is located at each school site and in the District Administration Office.

Federal Register, Department of Education, Title VI
Civil Rights Act of 1964

Federal Register, Department of Education, Title IX
Education Amendments of 1972

Section 504 of the Rehabilitation Act of 1973
Public Law 93-112 93rd Congress, H.R. 807

Adopted: 1/11/84

COMMUNICATION CHANNELS

It is in the best interest of parents, staff, and students to resolve issues relative to the operation of the school district as expeditiously as possible.

In order that issues are discussed and hopefully resolved at the level having the most information regarding the matter, use of the following communication channels is strongly encouraged.

Contact Person

(For unresolved issues proceed through the levels as indicated.)

Classroom Issues:

- Level One: Teacher
- Level Two: Principal
- Level Three: Superintendent
- Level Four: Governing Board

School Site Issues:

- Level One: Principal
- Level Two: Superintendent
- Level Three: Governing Board

District Issues:

- Level One: Superintendent
- Level Two: Governing Board

Adopted 5/27/93

SEX OFFENDER NOTIFICATION

The Superintendent or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within district boundaries. He/she shall ensure, at a minimum, that the following components are part of the plan:

- The Superintendent or designee shall serve as liaison with law enforcement regarding these matters.
- The Superintendent or designee shall, at the beginning of each school year, contact local law enforcement to coordinate the receipt of information. Law enforcement shall be informed that all notifications and correspondence should be directed to the district liaison as well as the individual school sites, when appropriate.
- The Superintendent or designee and the district liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and through annual distribution of amended Policy and Administrative Regulation 1332, *Sex Offender Notification*, inform school staff and parents/guardians about the roles and responsibilities of both the district and law enforcement.

Through annual distribution of amended Policy and Administrative Regulation 1332, *Sex Offender Notification*, the Superintendent or designee shall, at the beginning of each school year, notify parents/guardians of the district's willingness and intention to work with law enforcement on this matter and shall explain the appropriate roles and responsibilities of both the district and law enforcement, including:

- a. The reporting requirements pursuant to Penal Code 290, including the fact that law enforcement is the agency best able to assess the relative danger of an offender
- b. The ability of the parents/guardians to contact law enforcement for additional information
- c. How the district plans to handle the information received from the law enforcement agency

If and when law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or designee shall determine which central office and school staff need to be notified. This determination shall be done on a case-by-case basis. Notification may be made to the following staff:

- a. The principal of the school which is in the attendance area of the sex offender's residence or place of employment
- b. Teachers and classified personnel at that school, including staff responsible for visitor registration (cf. 1250 - Visitors/Outsiders)
- c. Principals and staff at adjacent schools, as appropriate
- d. Security staff
- e. Bus drivers
- f. Yard supervisor

Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or designee in order to help ensure that the district is able to respond appropriately.

If an identified sex offender is seen on or nearby school grounds or around any student, staff shall immediately contact the district liaison. The district liaison shall also inform local law enforcement.

Notification to Parents/Guardians: "High Risk" vs. "Serious" Sex Offender:

Upon notification by law enforcement that a "high-risk" sex offender resides in the community, the district liaison shall immediately contact local law enforcement in order to determine the appropriate response.

Upon notification by law enforcement that a "serious" sex offender resides in the community, the district liaison, in consultation with the Superintendent and/or district legal counsel, shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

1. Notice in a letter from the Superintendent, or in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office. This notice shall encourage parents/guardians to contact local law enforcement for additional information.

In addition, this notice will contain information about California's Megan's Law website, which provides the public with certain information on the whereabouts of sex offenders so that members of our local communities can protect themselves and their children. (The law is not intended to further punish the offender and specifically prohibits using the information to harass or commit any crime against the offender.)

Anyone can access this information at <http://MegansLaw.ca.gov> or through a web site at <http://ag.ca.gov/meganslaw>.

2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement for additional information.

3. A mailing, at district expense, printed on district letterhead and envelopes, and reviewed and approved by law enforcement, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement for additional information.

First Reading: February 9, 1999
Adopted: February 23, 1999
Amended: July 11, 2006

STUDENT 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. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

Student 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 and appeals as specified in administrative regulation and law. (Education Code 48911, 48915, 48915.5)

On-Campus Suspension Program

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 course work. The Board believes that in many cases, it would be better to address the student's misconduct by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams;

and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

The Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The principal or designee shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get certain release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements.

Decision not to Enforce Expulsion Order

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students

17292.5 Program for expelled students

33032.5 Hate violence reduction

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline
48660-48666 Community day schools
48900-48926 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records
CODE OF CIVIL PROCEDURE
1985-1997 Subpoenas; means of production
GOVERNMENT CODE
11525 Contempt
54950-54962 Ralph M. Brown Act (re closed sessions)
HEALTH AND SAFETY CODE
11014.5 Drug paraphernalia
11053-11058 Standards and schedules
LABOR CODE
230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child
PENAL CODE
240 Assault defined
242 Battery defined
243.4 Sexual battery
245 Assault with deadly weapon
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
422.6 Interference with civil rights; damaging property
422.7 Aggravating factors for punishment
422.75 Protected classes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors or stun guns
868.5 Supporting person; attendance during testimony of witness
UNITED STATES CODE, TITLE 20
6301 - 8962 Improving America's Schools Act, especially:
8921 - 8922 Gun-Free Schools Act of 1994
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807
80 Ops.Cal.Atty.Gen. 85 (1997)
80 Ops.Cal.Atty.Gen. 91 (1997)
80 Ops.Cal.Atty.Gen. 347 (1997)
Management Resources:
CDE PROGRAM ADVISORIES
0306.96 Expulsion Policies and Educational Placements, SPB 95/96-04

First Reading (revised): January 9, 2001
Adopted January 9, 2001

STUDENT DRUG, ALCOHOLIC BEVERAGE OR INTOXICANT USE

The governing board shall meet its legal and moral responsibilities for the welfare of students in the matter of drug (controlled substance), alcoholic beverage or intoxicant abuse by enforcing the provisions of the law in such cases, and by providing instructional opportunities which will inform students of the dangers of the misuse of such substances.

The principal and other personnel shall not tolerate any act of a student who is involved in the unlawful use, possession, sale, or who has otherwise furnished or been under the influence of any controlled substance (defined under Section 11007 of the Health and Safety Code to include but not be limited to heroin, marijuana, LSD, barbiturates, amphetamines) or any alcoholic beverage or intoxicant while on school grounds or during an activity off school grounds which is related to school attendance.

Any student who violates the provisions of this policy may be suspended and/or recommended to the Board for expulsion in accordance with the Education Code and Board policy.

Whenever it is established to the principal's satisfaction that a student has been involved in any controlled substance, alcoholic beverage or intoxicant of any kind violation, the principal may suspend the student, regardless of whether or not the violation is a first offence, if he or she determines that the pupil's presence constitutes a clear and present danger to the lives, safety, or health of pupils or school personnel.

The superintendent will develop administrative regulations and procedures for the processing of students involved in the violations cited above. Such regulations will include provisions for assessment and referral, administrative review, suspension/expulsion, and readmission to school.

The superintendent will provide an annual report to the Governing Board on implementation of this policy.

Legal References:
Education Code, Sections 48900 - 48901, 48903 - 48905, 48914 - 48915,
California Administrative Code, Title V, Section 5530
Health and Safety Code, Section 11007

Adopted 9/6/78

PREVENTION OF STUDENT DRUG ABUSE

The possession, sale or use of euphoric, hallucinogenic, or behavior affecting substances by students in Miller Creek District schools is unlawful. Such use, which violates state and federal laws, constitutes a threat to the health and safety of the students and to the positive learning environment this District works to create and maintain.

The Governing Board supports the Administration's effort to forestall and prevent such use through measures which include:

- Educating our students as to the serious health and safety consequences of drug and alcohol abuse.
- Providing in-service to our teaching staff on recognizing the signs of a drug and alcohol user.
- Inspecting school properties in search of prohibited substances.

Student lockers are hereby declared to be the property of Miller Creek School District. The search of any student locker shall be based on probable cause. Probable cause shall be deemed to exist:

- When a student appears to be under the influence of drugs or alcohol.
- When a reliable witness reports that a particular student is selling, purchasing or in the possession of drugs or alcohol.

It is an expectation of all MCSD personnel that they will inform the Principal of all suspected abusers. Abusers will be dealt with harshly. Specifically: All cases of abuse will be reported to the appropriate authorities. First offenders will be suspended for a minimum of three days. The Principal and Superintendent shall evaluate if the particular offense and/or other behavioral problems warrant considering expulsion. Second offenders shall be referred to the Board for possible expulsion.

Adopted 11/23/82

**MILLER CREEK SCHOOL DISTRICT
INTERDISTRICT TRANSFER AGREEMENTS**

Policy 5117

INTRODUCTION

The Governing Board believes that children should attend elementary schools where they live, and supports the concept of neighborhood schools. In addition, the Governing Board shall consider requests for interdistrict attendance as prescribed by the Education Code of the State of California, and by Board policy and District Administrative regulation.

1. RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

Education Code 48204(f) provides that an elementary grade student who does not reside in the district shall be deemed to be a resident of the district if the student's parent/guardian works within its boundaries. The decision to admit such students is discretionary with the Board and is based primarily on space availability. If the District admits such students, it may not refuse to admit particular students on the basis of race, ethnicity, gender, parental income, scholastic achievement, or any other arbitrary consideration. The district may deny admission based on non-arbitrary considerations, including if the transfer would adversely affect the District's existing desegregation plan or if the cost of the student's education would exceed any additional state funds that the District would receive.

As space allows, priority will be given to those parents employed full-time in the District. "Employment" is the relationship of employer and employee; it does not include one who performs services as an independent contractor, but does include persons who are self-employed with a permanent place of business within the District. Written verification by the employer or by the parent or guardian, if self-employed, of the parent's employment of at least twenty (20) hours/week and for at least thirty (30) weeks, during school hours, per year will be required and attached to the original application and each subsequent verification.

2. RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT - ALLEN BILL TRANSFERS SB200 (SEE EDUCATION CODE SECTION 48204(A)(7))

SB200 was intended to address the concerns of caregivers, nannies, and other such workers who are required to stay overnight at their place of employment. District residency status may be granted to a student if the student's parent (or legal guardian) resides outside the boundaries of the school district but the parent is employed and lives with the student in the parent's place of employment within the boundaries of the school district for a minimum of three days during the school week.

3. APPROVAL/CONTINUING RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

- A. The Superintendent or designee shall notify the district of residence of all children requesting admittance into the district on the basis of parent/guardian place of employment. Unless approved by the student's current district of attendance, no student shall be admitted into the district on the basis of a parent/guardian place of employment in excess of the limits imposed by law. (See Education Code 48204(f)(6)).

Pursuant to Education Code 48204, any decision to deny admission or transfer out of the district and the reasons for denial must be recorded in the minutes of the Board meeting at which the decision was reached and then transmitted in writing to the student's parent/ guardian. A parent/guardian whose request for admittance is based on employment within the District's boundaries does not have the right to appeal a denial to the Marin County Board of Education.

- B. **Employment-Related Transfers:** EC 48204(b)(7) provides that, once admission has been approved for a student based on the location of his/her parent or guardian's employment, the district governing board shall allow the student to attend school through the eighth grade if the parent or guardian so chooses, subject to the limitations described below. Annual verification of employment is required for continued eligibility as an employment-related transfer.
- C. **Limitations on Approval:** Transfer requests for continuing students may be denied or revoked if supporting documentation is incomplete, falsified or not submitted on time as requested by the District; if the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer; or if the transfer implicates any other provisions in EC 48204(b), paragraphs (1) to (6), inclusive.

4. APPROVAL OF NEW INTERDISTRICT TRANSFER REQUESTS

All transfer requests will require approval of the district of residence, and will be considered for approval subject to review by the Superintendent of the impact to District finances, class size, student-teacher ratios, facilities and curriculum. If the Superintendent determines that there is insufficient classroom space or programmatic capacity to accommodate all continuing transfer students, the Board will consider each request according to the priorities identified in paragraph B., below.

- A. **Criteria:** Each interdistrict transfer request will be judged on its individual merits. The criteria which shall be used by the Board in acting on a request to transfer to the District from another school district under this policy will include the following:
1. Verification of all factual information and supporting documentation submitted with the transfer request. Any transfer request containing or based upon false information or documentation will be denied or revoked, and the parent or guardian responsible referred to legal authorities as provided by law.
 2. Classroom space available will be determined by the Board in accordance with the District's Class Size Policy. In order to comply with class size reduction requirements, new interdistrict attendance agreements will only be approved in:
 - Grades K-3, if class size is below a maximum of 21 students per class
 - Grades 4-5, if class size is below a maximum of 25 students per class
 - Grades 6-8, if class size is below a maximum of 25 students per **core** class
 3. Transfer requests for students in special education programs may also be denied, if approval of the request will exceed classroom or caseload capacities.

Class size projections will be prepared for each school and updated periodically for the Board, including all students living in the attendance area and all continuing transfer students. New transfer students are approved after consideration of the school's student population and projected class sizes at each grade level. In the event transfers must be disapproved solely for reasons of class size or program capacity, the students requesting such transfers will be placed on a waiting list for future consideration.

3. A determination that the additional cost of educating the pupil would not exceed the amount of additional State aid received as a result of the transfer.
4. Parents' agreement to sign, and abide by the terms of the Interdistrict Transfer Student Contract, and parents' willingness to be accessible to school staff to discuss any issues or concerns that may arise.

B. **Priorities:** The Board will use the following priority list for approving new Interdistrict Transfers:

- Special needs due to extraordinary circumstances (reciprocal relationship with districts)
- Children of full-time employees of the District
- Employment related transfers
- Residency Based on Parent/Guardian Employment (SB 200 Allen Bill Transfers)
- Other Interdistrict Transfer requests

As space allows, siblings of children already attending school within the District will receive highest priority in each of the above categories.

- C. Except as prescribed by law or specified by the Board, interdistrict transfers will be approved for one year only. Transportation will not be provided for students attending the District on interdistrict attendance agreements.
- D. The District retains the authority to determine the specific school to which the student will be assigned.
- E. A student who has been expelled from other school district may not be admitted to the District on an interdistrict attendance agreement during the period of his/her expulsion. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials while expulsion proceedings are pending, or during the term of the expulsion.
- F. The parent or guardian of a student who is denied a transfer request shall receive notice regarding the appeal process to the District Board of Education.

5. **APPROVAL OF INTERDISTRICT TRANSFER REQUESTS FOR CONTINUING STUDENTS**

In general, the Governing Board shall consider approval of interdistrict transfer requests for

continuing students prior to considering new interdistrict transfer requests, subject to the limitations prescribed by applicable law, regulations and District policy.

- A. **Limitations on Approval:** Interdistrict transfer requests for continuing students may be denied if supporting documentation is incomplete, falsified or not submitted on time as requested by the District, **or** if the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.

- B. **Other Interdistrict Transfers:** All transfer requests will require approval of the district of residence and will be considered for approval subject to the review by the Superintendent of the impact to District finances, class size, student-teacher ratios, facilities and curriculum. If the Superintendent determines that there is insufficient classroom space to accommodate all continuing transfer students, the Board will consider each request using the following priorities:
 - 1. Educational continuity (i.e., completing K-5 or 6-8, students who move out of the district, number of years in the District, etc.)
 - 2. Special needs due to extraordinary circumstances (reciprocal relationship with other districts).

Transfer requests for students in special education programs may also be denied, if approval of the request will exceed classroom or caseload capacities.

6. REVOCATION OF TRANSFERS

Under the authority of EC 46600, the Miller Creek School District stipulates the following terms and conditions under which an interdistrict transfer may be revoked:

- A. Failure to comply with all academic and behavioral requirements of the Interdistrict Attendance Contract. These terms are specified in the Interdistrict Attendance Contract, which must be reviewed and signed by parent/guardian and student, and returned to the District Office. Parents/guardians are advised in the contract that their student's interdistrict agreement may be terminated if the terms of the contract are violated during the school year.
- B. Determination by the district that the conditions qualifying the transfer for approval are no longer met.
- C. Determination by the district that the transfer request or supporting documentation contained was based upon false information.
- D. Determination by the Principal that the education program does not meet the student's needs.

7. REQUESTS FOR INTERDISTRICT ATTENDANCE AGREEMENTS OUTSIDE OF THE DISTRICT

Parents/guardians of students wishing to transfer out of the District shall complete an application for transfer. Applications will be approved or denied by the Superintendent or designee. Applicants will be notified in writing if the request is denied, and will be given the reason for the denial. Denials by the District may be appealed to the District Board of

Education. If the appeal is denied, the request may be appealed to the Marin County Board of Education.

8. CERTIFICATION OF SUPPORTING DOCUMENTS

The Board requires that all requests for interdistrict attendance and the required supporting documentation be certified by the parent, guardian, child care provider or care giver under penalty of perjury. The Superintendent or designee is responsible for confirming the accuracy of information contained in such requests and documentation; investigating any reported incidents of falsified information; recommending denial or revocation of transfers or transfer requests; reporting violations to the appropriate law enforcement agencies; and reporting such activities to the Board.

INVESTIGATION OF RESIDENCY AB1101 (EDUCATION CODE 48204.1, 48204.2)

- A. When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, an investigation may be initiated to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency.
1. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.
 2. The Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make reasonable efforts to determine whether the student resides in the district.
 3. Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.
 4. The investigation shall not include the surreptitious collection of photographic or video-graphic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view.

Education Code: #46600

*(Replaces Policy 5118 Adopted 4/23/13
Interdistrict Attendance – District of Choice)*

First Reading: April 19, 2016

Second Reading and Adoption: May 10, 2016

PARENT-INITIATED INTRA-DISTRICT ASSIGNMENT OF STUDENTS

For each school, there is an established attendance area. The boundaries have emerged from consideration of the proximity of the school to the community, transportation capabilities, and plan utilization considerations. *However, to serve the diverse needs of District students, transfers between attendance areas may be permitted according to the principles established below.*

Exceptions to attendance at the school of assignment may be made, *based on parent request*, when:

1. The health or safety of a student is jeopardized by continued attendance at the school of assignment. *A finding of such circumstances will be supported by documentation required by law;*
2. A child is repeating a grade assignment and the parents indicate a desire for an alternative school assignment because of a possible social stigma; or
3. Parents or guardians have procured child care services within the District but in a school attendance area other than that dictated by their address of residence.

All of the above situations *may be considered in reviewing a request for an intra-district transfer*, but only when the movement of the additional student will not alter normal school organizational patterns or *displace* other students from their normal school of attendance. *Intra-district attendance requests may also be denied based on enrollment capacity at the requested site.*

If a District school receives Title I funds, and is identified for program improvement, corrective action, or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school.

If while on school grounds a student becomes a victim of a violent criminal offense, as defined by the California Department of Education (CDE), or attends a school designated by the CDE as persistently dangerous, s/he will be provided an option to transfer to another district school.

It is recognized that in unique instances deviations from this policy may be needed to meet the needs of students. In these instances, requests may be made to the Superintendent for consideration by the Board.

The District retains the right to revoke an intra-district attendance permit for reasons other than the student's academic or athletic performance.

First Reading (Revised): February 8, 2011
Adoption: March 8, 2011

OPEN ENROLLMENT POLICY

The governing board desires to provide options that meet the diverse needs, potential and interests of the district's students. To that end it shall annually review enrollment options for students.

The district Superintendent shall recommend and the governing board shall approve on an annual basis the district enrollment capacity and the enrollment capacity of each district school.

Based on these enrollment capacities, the superintendent may adopt regulations that limit enrollment of students who are deemed residents of the district under Education Code Section 48204 (f) (work related interdistrict transfers).

Parents or guardians of each school age child who resides within the district may apply to enroll that child in any district school irrespective of the location of the child's residence within the district.

The district shall employ a random, unbiased process for considering enrollment applications where the number of applications received is in excess of the school capacity. This process shall prohibit an evaluation of whether any pupil should be enrolled based upon his or her academic or athletic performance.

1. No pupil who currently resides in the attendance area of a school shall be displaced by pupils transferring from outside the attendance area.
2. The district retains the authority to maintain appropriate racial and ethnic balance among district schools.
3. The district may employ entrance criteria for specialized schools or programs if the criteria are uniformly applied to all applicants.
4. The district retains the right to assign a student to a school or program if the student requires a legally mandated program or accommodation which is available at that school such as a special education or bilingual program.
5. The district retains the rights to assign a student to a school for disciplinary reasons or for the protection of the health and safety of that student or other students.

Transportation assistance will be provided only on established routes and only to the extent that the district otherwise provides transportation assistance to pupils.

Legal Reference:

Education Code Sections 35160, 48204, 48980

Adopted: 6/29/94

BULLYING

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student. This policy applies to bullying on school grounds, while going to or coming from school or school-related activities, and off-school grounds in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance. (Ed. Code §234.1(a))

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, commit hate violence against any other student or school personnel, or in violation of Education Code section 48900 et seq.

(cf. 5131 -Conduct)

(cf. 5136 -Gangs)

(cf. 5145.3 -Nondiscrimination/Harassment)

(cf. 5145.7 -Sexual Harassment)

(cf. 5145.9 -Hate-Motivated Behavior)

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

(cf. 5145.2 -Freedom of Speech/Expression)

Bullying Prevention

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

(cf. 5137 -Positive School Climate)

(cf. 6164.2 -Guidance/Counseling Services)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

(cf. 0420 -School Plans/Site Councils)
(cf. 0450 -Comprehensive Safety Plan)
(cf. 1220 -Citizen Advisory Committees)
(cf. 1400 -Relations Between Other Governmental Agencies and the Schools)
(cf. 6020 -Parent Involvement)

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

(cf. 6163.4 -Student Use of Technology)
(cf. 6142.8 -Comprehensive Health Education)
(cf. 6142.94 -History-Social Science Instruction)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

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

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

Intervention

Any student who believes that he, she or another person has been bullied in violation of BP 5130 is encouraged to promptly report the incident(s) to a teacher, a school counselor, the school site administrator, or the Superintendent. In addition, the Superintendent, school site administrator or designee shall develop means for students to report threats or incidents confidentially and anonymously.

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

As appropriate, the Superintendent, school site administrator or designee shall notify the parents/ guardians of victims and perpetrators. A victim, witness, or perpetrator may be referred to school counselors, mental health counselors, other school support services, and/or law enforcement.

Complaints and Investigation

Any student who believes that he, she or another person has been bullied in violation of BP 5130, Bullying, is encouraged to report the incident(s) promptly to a teacher, a school counselor, the school site administrator, or the Superintendent. The complaint shall be investigated in accordance with Administrative Regulation 5130 if not resolved through voluntary informal mediation.

When the complaint involves cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and notify a teacher, school counselor or school site administrator, or the Superintendent.

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

Restorative/Corrective/Disciplinary Action

Any person who is found to have engaged in bullying on school grounds, going to or coming from school or school-related activities, or in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance shall be subject to restorative, corrective and/or disciplinary action in accordance with board policy, administrative regulations, state law, and any applicable collective bargaining agreement. Restorative, corrective, and/or disciplinary action(s) may include, but are not limited to, counseling for the complainant, other persons impacted by the bullying, and the respondent; verbal or written warnings; limiting respondent's contact with the complainant; school-wide actions, such as education and training, to stop the bullying and prevent a recurrence; and suspension, expulsion or dismissal in accordance with applicable policies, laws and/or collective bargaining agreements.

(cf. 5138 -Conflict Resolution/Peer Mediation)

(cf. 5144 -Discipline)

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

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

(cf. 6159.4 -Behavioral Interventions for Special Education Students)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices
PENAL CODE
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)
COURT DECISIONS
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Lavine v. Blaine School District, (2002) 279 F.3d 719
Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten through Grade Twelve, 2008
Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>
California Cybersafety for Children: <http://www.cybersafety.ca.gov>
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>
Center for Safe and Responsible Internet Use: <http://cyberbully.org>
National School Boards Association: <http://www.nsba.org>
National School Safety Center: <http://www.schoolsafety.us>
U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr>

First Reading: November 10, 2015

Second Reading and Adoption: December 8, 2015

DISCIPLINE POLICY

In a free, democratic society it is expected that its citizens will voluntarily subscribe to a course of behavior that is consistent with the goals of achieving responsible behavior without coercion or restraint. The importance of self-discipline is a matter to be demonstrated, taught, and expected of all students by all personnel in their day-to-day relationship with the students.

State law requires that statutes enacted by the State for the control of responsible and/or disruptive behavior by students be enforced by the Governing Board and employees of the school district. The Board expects the staff, both certificated and classified, to recognize a mutual responsibility for the enforcement of such policies. It is hoped that all students will meet their responsibilities with respect to this matter.

Further, the Governing Board recognizes that an effective discipline policy requires that sufficient diagnostic and counseling services be provided so that continually disruptive students shall not be returned to regular classes without some corrective or therapeutic action being taken.

Further, it is the intent of the Governing Board that such policies be enforced fairly and consistently, without regard to race, creed, color or sex.

Administrative staff will review the appropriate discipline policies and regulations on an annual basis.

At the beginning of each school year, each pupil's parents/guardians shall be notified of the availability of district and school rules pertaining to student discipline.

Note: For other policies pertaining to this topic, please see: Corporal Punishment, Pupils Suspension/Expulsion, and Student Drug, Alcoholic Beverage and Intoxicant Use.

Adopted 9/6/78
Revised: 9/10/96

TOBACCO

Smoking presents a health hazard which can have serious consequences both for the smoker and the nonsmoker. Students shall not be allowed to smoke, chew or possess tobacco or nicotine products on school property or during school hours, at school-sponsored events, or under the supervision of district employees. (Education Code 48901) Students who violate this policy shall be subject to disciplinary procedures which may result in suspension from school. (Education Code 48900)

The Board shall provide instruction regarding the effects of smoking on the human body and shall take steps to discourage students from making it a practice to smoke. (Education Code 48901, 51202)

Legal Reference:

EDUCATION CODE

44049	Known or suspected alcohol or controlled substance abuse by student
48900	Suspension or expulsion (grounds)
48900.5	Suspension, limitation on imposition; exception
48901	Smoking or use of tobacco prohibited
48909	Narcotics or other hallucinogenic drugs
51202	Instruction in personal and public health and safety
51203	Instruction on alcohol, narcotics and restricted dangerous drugs
51260	Elementary and secondary school instruction in drug education by appropriately trained instructors

Adopted: 11/29/94

QUESTIONING

Law enforcement officers have the right to interview students on school premises, as suspects or witnesses. 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 the student immediately, the principal or designee shall accommodate the questioning in a way that causes the least possible disruption to the school process, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview. The law officer should advise the student that he/she had the right to remain silent, but that he/she is encouraged to cooperate with law enforcement agencies.

If in the course of the interview the law officer finds it necessary to remove the student from school so as to better aid the investigation, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately inform the student's parent/guardian.

APPREHENSION

When a site administrator releases a student into the custody of a law enforcement officer, he/she shall immediately notify the parent/guardian or responsible relative of the student's release and the place to which the student is reportedly taken, except in cases of suspected child abuse.

Whenever a student is suspected of being a victim of child abuse and is being removed from the school premises, the Superintendent or designee must give the telephone number and address of the student's parent/guardian to the law enforcement officer. The officer then has the responsibility of immediately notifying the 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.

Legal Reference:

EDUCATION CODE

- 44807 Duty concerning conduct of pupils
- 48264 Arrest of truants
- 48265 Delivery of truant
- 48902 Notice to Law Authorities
- 48906 Release of minor pupil to peace officers
notice to parent, guardian or relative
- 48909 Narcotics and other hallucinogenic drugs
(re arrest)

CODE OF REGULATIONS, TITLE 5

- 303 Duty to remain at school
- People v. Burton (1971) 6 Cal. 3d 375
- In re Donaldson 269 Cal. App. 2d 509
- Baines v. Brady 122 Cal. App. 2d Supp.
957.960
- In the matter of Paul P., 85 Daily Journal
D.A.R. 2594
- 32 Ops. Cal. Atty. Gen. 46
- 34 Ops. Cal. Atty. Gen. 93
- 54 Ops. Cal. Atty. Gen. 96

PENAL CODE

- 830-832.8 re peace officers
- 833-851.85 re arrests
- 1328 Service of subpoena

Adopted: 5/28/96

SEXUAL AND GENDER-BASED HARASSMENT (STUDENTS)

Policy 5145.7

Purpose

Sexual or gender-based harassment is unlawful and will not be tolerated. It is the policy of the Governing Board of the Miller Creek School District to provide an educational environment free of unlawful sexual and gender-based harassment.

It is a violation of this policy for an employee, agent, or student or any party with which the Miller Creek School District has a cooperative agreement to engage in sexual or gender-based harassment.

This policy is intended to supplement, not replace, any applicable state or federal laws and regulations, and to secure, at the earliest level possible, an appropriate resolution to complaints of unlawful sexual or gender-based harassment.

Definition of Sexual and Gender-based Harassment

For the purposes of this policy, sexual or gender-based harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, and acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex although not necessarily sexual in nature, made by someone from or in the work or educational setting under any of the conditions listed below:

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

For the purpose of this policy gender-based harassment includes harassment based on a person's sex, gender identity, gender expression or nonconformity with gender stereotypes.

Sexual or gender-based harassment may occur as a pattern of degrading sexual and gender-based speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and threats or sexual demands.

Examples of conduct which may constitute a violation of this policy include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gesturing, display of sexually suggestive objects or pictures, or cartoons, whether conducted in person or through an electronic means.
- (2) Among peers, continuing to express sexual interest after being informed that the interest is unwelcome.
- (3) Within the educational environment, implying or actually withholding satisfactory evaluations or suggesting that promotion or favorable evaluations will be denied as a condition of receiving sexual favors.
- (4) Within the educational environment, engaging in sexual or gender-based harassment behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- (5) Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of actual or perceived gender, gender identity, gender expression, or sexual orientation.
- (6) Harassment because of actual or perceived non-traditional choice of extracurricular activities, apparel, personal grooming, or mannerisms.

Any expression by an adult of sexual interest in a student, regardless of stated or perceived mutuality, is inappropriate and shall be subject to corrective and disciplinary action under Board policies and regulations and applicable law.

Restorative, Corrective, Disciplinary Actions

When unlawful sexual or gender-based harassment is found to have occurred, the District will take appropriate restorative, corrective and/or disciplinary action(s), which may include, but are not limited to, counseling for the complainant, other persons impacted by the harassment, and the respondent; verbal or written warnings; limiting respondent's contact with the complainant; school-wide actions, such as education and training, to stop the harassing conduct and prevent a recurrence; and suspension, expulsion or dismissal in accordance with applicable policies, laws and/or collective bargaining agreements.

Administrative Regulations

The Superintendent shall adopt and from time-to-time may revise regulations to implement this policy and provide for investigation of complaints and enforcement of this

policy. The regulations may be obtained in the District Office, School Office and online at <http://www.millercreeksd.org>.

Training and Curriculum

To implement this policy the District will provide appropriate training for staff and students. "Supervisory" employees, as defined by Government Code section 12950.1, will be trained, as required by law, at least every two (2) years.

Notification

This policy will be published in site handbooks and/or the District Personnel Handbook and posted in a prominent location in the District Office and each School Office and distributed to employees as required by law. Ed. Code §231.5(d)

Special Assistance

Anyone with questions related to this Board Policy may contact the Superintendent, or designee.

Filing Complaints with State or Federal Agencies

Aggrieved parties also may file complaints with appropriate state and federal agencies including:

Office for Civil Rights
90 7th Street, Suite 4-100
San Francisco, CA 94103

Civil law remedies including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available as specified in Education Code section 262.3.

Legal References:

Title VII of the Civil Rights Act
42 USC Section 2000-e-2(a)(1)
Fair Employment and Housing act
Government Code section 12940
Education Code sections 212.5, 231.5
Government Code section 12950.1

First Reading: November 10, 2015

Second Reading and Adoption: December 8, 2015

(Replaces Policy 4301 adopted 2/12/13)

INTERNET SAFETY Board Policy 5204

It is the policy of the Miller Creek School District to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, 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 information of minors; and (d) comply with the Children's Internet Protection Act.

Internet access is to be used as an educational and/or work-related resource and such access shall be made available subject to such rules and regulations as may be established.

Legal Reference: (Public Law 106-554)
47 USC 254(h)

First Reading: July 13, 2010
Second Reading and Adoption: August 24, 2010

The following regulations and procedures are intended to implement the legal requirements of the Miller Creek School District under The Children's Internet Protection Act, (CIPA) (Public Law 106-554). Such regulations and procedures shall be applied to all students having computers with Internet access to certify on or before October 28, 2001, that they have in place certain Internet safety policies and technology to block or filter certain material from being accessed through the Internet. **The Protecting Children in the 21st Century Act, enacted October 10, 2008, added an additional Internet Safety Policy requirement covering the education of minors about appropriate online behavior.**

Definitions

1. Access to the Internet—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected 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 a proxy server managed by Marin County Office of Education that blocks and/or filters Internet access.

Access to Internet by Minors

Minors accessing Internet services provided by the Miller Creek School District when working as an employee or volunteer of the Miller Creek School District; when attending trainings, meetings, conferences, or other events sponsored at a facility owned or leased by the Miller Creek School District or at a facility of which the Miller Creek School District has otherwise been granted primary custody; or when accessing Miller Creek School District Internet services with remote access connections shall be subject to the following rules and regulations:

1. Minors shall not access material that is obscene, child pornography, harmful to minors, or otherwise inappropriate for educational or work-related uses.
2. Minors shall not use Miller Creek School District technology or Internet resources to engage in hacking or attempts to otherwise compromise any computer or network system's security.
3. Minors shall not engage in any illegal activities on the Internet.
4. Minors should only use electronic mail, and other forms of direct electronic communications for purposes related to education within the context of a school-related assignment activity or for purposes related to work, including volunteer, at the Miller Creek School District.
5. Minors shall not disclose personal identification information on the Internet.
6. The online activities of minors shall be monitored.
7. **Minors will be educated, supervised and monitored on appropriate online behavior.**
8. **Parents/Guardians of minors may choose to opt their child out of internet access at school by signing and returning the last page of this policy.**

Access to Internet by Adults

Adults accessing Internet services provided by the Miller Creek School District when working as an employee or volunteer of the Miller Creek School District; when attending trainings, meetings, conferences, or other events sponsored at a facility owned or leased by the Miller Creek District or at a facility of which the Miller Creek School District has otherwise been granted primary custody; or when accessing the Miller Creek School District Internet services with remote access connections shall be subject to the following rules and regulations:

1. Adults shall not access material that is obscene, child pornography, or otherwise inappropriate for training or work-related uses.
2. Adults shall not use the Miller Creek School District technology resources to engage in unauthorized hacking or attempts to otherwise compromise any computer or network system's security.
3. Adults shall not engage in illegal activities on the Internet.

Technology Protection Measure

The Miller Creek School District shall use a technology protection measure that blocks and/or filters Internet access to prevent access to Internet sites that are not in accordance with the policies of the Miller Creek School District.

1. The technology protection measure that blocks and/or filters Internet access may be disabled by an authorized staff member for bona fide research purposes with permission of the immediate

supervisor of the staff member requesting said disabling or with the permission of the administrator of the Miller Creek School District.

Policy Violations

Any violation of this policy may result in the loss of access to the Internet by the Miller Creek School District. Additional disciplinary action may be determined in accordance with existing procedures and practices, both administrative and as stipulated in the Miller Creek School District board policy, and including applicable law enforcement agencies when necessary.

Policy Challenge Procedure

An individual who has been granted access to the Internet by the Miller Creek School District and desires to access an Internet site that is not compliant with this policy may challenge the enforcement of the policy according to the following provisions:

1. Internet site review requests should be directed to the Miller Creek School District's Director of Business and Information Services in writing for consideration.
2. The Miller Creek School District will review the site within seven working days of submission of the request and, if deemed appropriate for educational or work-related purposes, may unblock the site.
3. The School District shall regulate enforcement of the policy, including disciplinary actions.

Request to Opt Student Out of School Internet Access

As the parent or legal guardian of _____, a minor, I wish to opt _____ out of accessing the Internet at school. I understand that in doing so, I may prevent my child from accessing the Internet-based instructional materials and activities that will be available to his classmates. Miller Creek School District Schools will provide alternative activities for children whose parents do not wish them to access the Internet; however, we cannot ensure that these activities will provide the same richness and depth of experience that access to the Internet can provide.

Signature

Name (please print)

Date

Please return this form to your child's school.

References: Public Law 106-554
47 USC 254(h)

MILLER CREEK SCHOOL DISTRICT INTERNET USE AGREEMENT 2018-19 (Sample Only)

The Internet resources are constantly changing (and not always authoritative), and include government and scientific information, as well as material on business, current events, the arts and popular culture.

The Internet is largely unregulated, and not all of the information it carries is suitable for children. Therefore, the Miller Creek School District asks that parents read the following responsibilities carefully before giving permission for their child to use the Internet. We ask that students also read this document carefully before they agree to the responsibilities that accompany the privilege of Internet access. If parents tell a child that certain topics are not acceptable, it is the student's responsibility not to access these areas.

Responsibilities of Internet Use:

Every user of the Internet in the Miller Creek School District accepts the responsibility of respecting the rights of all other network users, and of acting in a responsible, ethical and legal manner at all times. Because in-school access to the Internet is a privilege, and because each student is personally responsible for his or her actions on the Internet, unacceptable behavior will result in the suspension or revocation of a student's personal Internet access. Some behaviors may even cause the school to lose its access rights.

All Internet users will be expected to abide by the generally accepted rules of network etiquette, or netiquette.

These include, but are not limited to, the following:

1. Be polite. Do not be abusive in messages to others. Do not "yell" by using capital letters and an exclamation point.
2. Use appropriate language. Do not use profanity, vulgarities, or inappropriate language.
3. Do not become involved in any illegal activities, including copyright violations.
4. Never reveal your personal address or phone number or those of others.
5. Respect the rights of others. Do not do anything that degrades or disrupts the use of the network, either to the software hardware. Do not vandalize or destroy the data of another user. Do not try to gain unauthorized access to resources or entities.
6. Note that electronic mail (e-mail) is not guaranteed to be private. Messages relating to or in support of illegal activities may be reported to authorities.
7. All communications and information accessible via the network should be assumed to be subject to copyright law.
8. Do not use the school's Internet connection to access any kind of chat groups, games, or any inappropriate subjects without the permission of the supervising teacher.

Miller Creek School District and its network provider, the Marin County Office of Education, make no guarantees of any kind for the service we are providing. We will not be responsible for any damages you suffer, including loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions.

Internet Use Agreement

STUDENT:

I have read and understand the Miller Creek School District Internet Use Policy and agree to abide by its terms and conditions. I understand that if I violate this use policy, my network/Internet privilege will be revoked and I will be subject to disciplinary action. I also understand that violating this use policy may subject me to criminal and/or civil liability.

PARENT OR GUARDIAN:

As the parent or guardian of this student, I have read **and discussed with my child** the terms and conditions. I understand that this access is designed for educational purposes. I recognize it is impossible for Miller Creek School District to restrict access to all controversial materials, and I will not hold the school, district or Marin County Office of Education responsible for materials acquired by my child on the network. I certify that the information contained on this form is correct.

UNIFORM COMPLAINT PROCEDURES CONCERNING SCHOOL AND DISTRICT PROGRAMS

The Governing Board recognizes that the District is responsible for complying with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints at the site level whenever possible. The District shall investigate and seek to resolve complaints at the local level. All complaints will be investigated within 60 days of receipt of the complaint. As required by California law, the district shall follow the uniform complaint procedures set forth in Administrative Regulation 6170 when addressing complaints alleging unlawful discrimination based on ethnicity, religion, age, gender, sexual orientation, color, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, and special education programs.

(cf. 0410 – Nondiscrimination in District Program and Activities)

(cf. 0421.1 – School-Based Coordinated Programs)

(cf. 0420.2 – School Improvement Program)

(cf. 0430 – Comprehensive Local Plan for Special Education)

(cf. 3553 – Free and Reduced Lunch Program)

(cf. 6171 – Title I Programs)

(cf. 6174 – Education for Students of Limited-English Proficiency)

(cf. 6175 – Migrant Children Program)

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

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

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

(cf. 5125 – Student Records)

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

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

(cf. 9124 – Attorney)

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

(cf. 1312.1 – Complaints Concerning School Personnel)

(cf. 1312.2 – Complaints Concerning Instructional Material)

Section 100.7 (e)

EDUCATION CODE

200-262.3 Prohibition of discrimination

18100-18179 School libraries

35146 Closed sessions

35160 Authority of governing boards

44670.1 – 44671.5 School personnel staff development and resource centers

48985 Notices in language other than English

49060-49079 Student records

49490-49560 Child nutrition program

58513 Personal beliefs

52000-52049.1 School improvement programs

52800-52863 School-based coordinated programs

54000-54041 Economic impact aid programs

54400-54425 Compensatory education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

64000 Consolidated application process

GOVERNMENT CODE

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4671 Uniform Complaint Procedures

UNITED STATES CODE, TITLE 20

1221 et seq. General Education Provisions Act, especially:

1221, 1232 g Family Educational and Privacy Rights Act of 1974

1231g, 1681 et seq. Title IX, Education Amendments of 1972

3801 et seq. Education Consolidation and Improvement Act of 1981

UNITED STATES CODE, TITLE 29

721, 761 Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000c et seq. Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.7(e) Intimidation and retaliation prohibited

Adopted: 2/25/81

Amended: 3/24/92

Amended: 4/25/95

Revised: 1/14/03 First Reading

Adopted: 1/28/03

Revised and Adopted: 6/24/14