I. OPENING BUSINESS
   I.a. Call Public Session to Order
   I.b. Adopt Agenda
   I.c. Pledge of Allegiance

II. OPEN FORUM
   Members of the public may address the committee on items relevant to the subject matter jurisdiction of the committee and any item on the agenda.

III. DISCUSSION/INFORMATION ITEMS
   I.a. Review of Board Policies, Administrative Regulations, and/or Exhibits
       
       BP 0410   Non Discrimination in District Programs and Activities (Paul Behan)
       E 0410    Non Discrimination in District Programs and Activities (Paul Behan)
       BP 1312.3 Uniform Complaint Procedures (Paul Behan)
       AR 1312.3 Uniform Complaint Procedures (Paul Behan)
       AR 5111.1 District Residency & Affidavit (Casey O’Brien)
       BP 5145.3 Nondiscrimination/Harassment (Paul Behan)
       AR 5145.3 Nondiscrimination/Harassment (Paul Behan)
       BP 5145.7 Sexual Harassment (Paul Behan)
       AR 5145.7 Sexual Harassment (Paul Behan)
       BP 6146.1 High School Graduation Requirements (Suzie DePrez)

IV. ADJOURNMENT
Nondiscrimination In District Programs And Activities

Philosophy, Goals, Objectives and Comprehensive Plans

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; 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 district provides equal access to the Boy Scouts and other designated youth groups.

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.
Philosophy, Goals, Objectives and Comprehensive Plans \textit{(continued)}

(cf. Pursuant to 34 CFR 104.8 and 34 CFR 106.9, 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 recruitment 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. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)
(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 and, \textit{In addition}, when required by law, in 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 and any implementing standards and/or regulations (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)
Philosophy, Goals, Objectives and Comprehensive Plans (continued)

Access for Individuals with Disabilities

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.

(cf. 6020 - Parent Involvement)

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 the school-sponsored function, program, or meeting.

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

Chief Technology Officer
PO Box 222700, carmel Ca  93922
(831) 624-1546, extension 2040
pbehan@carmelunfied.org

Legal Reference:
EDUCATION CODE
200-262.4  Prohibition of discrimination
48985-48985  Notices to parents in language other than English
51007-51007  Legislative intent: state policy

GOVERNMENT CODE
11000  Definitions
11135-11000  Definitions
11135  Nondiscrimination in programs or activities funded by state
11138-11138  Rules and regulations
12900-12996  Fair Employment and Housing Act
54953.2  Brown Act compliance with Americans with Disabilities Act

PENAL CODE
422.55-422.55  Definition of hate crime
422.6  Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5
4600-4687  Uniform complaint procedures
4900-4965-4600-4687  Uniform complaint procedures
4900-4965  Nondiscrimination in elementary and secondary education programs
Philosophy, Goals, Objectives and Comprehensive Plans (continued)

UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans
6312 6311 State plans
6312 Local education agency plans
UNITED STATES CODE, TITLE 29
794-794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
36.303-36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13-100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 106.9 Dissemination of policy

Management Resources:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016
Providing a Safe, Nondiscriminatory School Environment for All Transgender and Gender-Nonconforming Students, Policy Brief, April 2010 February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Harassment and Bullying, October 2010
Dear Colleague Letter: Electronic Book Readers, June 29, 2010
Notice of Non-Discrimination, January 1999
Protecting Students from Harassment and Hate Crime, January 1999
Philosophy, Goals, Objectives and Comprehensive Plans

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
2010 ADA Standards for Accessible Design, September 2010
Accessibility of State and Local Government Websites to People with Disabilities, June 2003
WORLD WIDE WEB CONSORTIUM PUBLICATIONS
Web Content Accessibility Guidelines, December 2008
WEB SITES
CSBA: http://www.csba.org
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr http://www.ed.gov/about/offices/list/ocr

Policy CARMEL UNIFIED SCHOOL DISTRICT

adopted: November 27, 2006 Carmel, California
revised: September 5, 2012

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: http://www.ada.gov

Policy
adopted: November 27, 2006
revised: September 5, 2012
revised: January 4, 2018

CARMEL UNIFIED SCHOOL DISTRICT  Carmel, California
**NONDISCRIMINATION NOTICE**

District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; 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 district provides equal access to the Boy Scouts and other designated youth groups.

The district’s coordinator for nondiscrimination manages the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies, as well as policies related to sexual harassment, Special Education, 504 Plans, and the National School Lunch Program. The coordinator may be contacted at:

Paul Behan, Chief Technology Officer
4380 Carmel Valley Road/P.O. Box 222700
Carmel CA 93922
831-624-1546, ext 2040
pbehan@carmelunified.org

12/20/2017
Community Relations

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal may require a more formal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1.- Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs, consolidated categorical aid programs, and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610-4610)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

2.- Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person, based on his/her student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived
Community Relations (continued)

characteristics of race or ethnicity, 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, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610) (cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

3. Any complaint alleging district violation of 5146 - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610) (5 CCR 4610)

(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)

5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or...
Community Relations (continued)

the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

8. Any complaint, by or on behalf of a former juvenile court school student who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173.3 - Education for Juvenile Court School Students)

9. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152 - Class Assignment)

10. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

11. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

12. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which may be
Community Relations (continued)

offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate, For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant, and/or the subject of the complaint, if he/she is different from the complainant, confidential when appropriate and confidential when appropriate and confidential when appropriate as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

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

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.

4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
8200-8498 222 Reasonable accommodations; lactating students
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
48985 48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
Community Relations *(continued)*

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>49490-49590</td>
<td>Child nutrition programs</td>
</tr>
<tr>
<td>52060-52077</td>
<td>49010-49013 Student fees</td>
</tr>
<tr>
<td>49060-49079</td>
<td>Student records</td>
</tr>
<tr>
<td>49069.5</td>
<td>Rights of parents</td>
</tr>
<tr>
<td>49490-49590</td>
<td>Child nutrition programs</td>
</tr>
<tr>
<td>51210</td>
<td>Courses of study grades 1-6</td>
</tr>
<tr>
<td>51223</td>
<td>Physical education, elementary schools</td>
</tr>
<tr>
<td>51225.1-51225.2</td>
<td>Foster youth, homeless children, and former juvenile court school</td>
</tr>
<tr>
<td></td>
<td>students; course credits; graduation requirements</td>
</tr>
<tr>
<td>51228.1-51228.3</td>
<td>Course periods without educational content</td>
</tr>
<tr>
<td>52060-52077</td>
<td>Local control and accountability plan, especially</td>
</tr>
<tr>
<td>52075</td>
<td>Complaint for lack of compliance with local control and accountability plan</td>
</tr>
<tr>
<td></td>
<td>requirements</td>
</tr>
<tr>
<td>52160-52178</td>
<td>Bilingual education programs</td>
</tr>
<tr>
<td>52300-52490</td>
<td>Career technical education</td>
</tr>
<tr>
<td>52500-52616.24</td>
<td>Adult schools</td>
</tr>
<tr>
<td>52800-52870</td>
<td>School-based program coordination</td>
</tr>
<tr>
<td>54400-54425</td>
<td>52160-52178 Bilingual education programs</td>
</tr>
<tr>
<td>52300-52490</td>
<td>Career technical education</td>
</tr>
<tr>
<td>52500-52616.24</td>
<td>Adult schools</td>
</tr>
<tr>
<td>54400-54425</td>
<td>Compensatory education programs</td>
</tr>
<tr>
<td>54440-54445</td>
<td>Migrant education</td>
</tr>
<tr>
<td>54460-54529</td>
<td>54440-54445 Migrant education</td>
</tr>
<tr>
<td>54460-54529</td>
<td>Compensatory education programs</td>
</tr>
<tr>
<td>56000-56867</td>
<td>Special education programs</td>
</tr>
<tr>
<td>59000-59300</td>
<td>Special schools and centers</td>
</tr>
<tr>
<td>64000-64001</td>
<td>56000-56867 Special education programs</td>
</tr>
<tr>
<td>59000-59300</td>
<td>Special schools and centers</td>
</tr>
<tr>
<td>64000-64001</td>
<td>Consolidated application process</td>
</tr>
</tbody>
</table>

GOVERNMENT CODE

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11135-11135</td>
<td>Nondiscrimination in programs or activities funded by state</td>
</tr>
<tr>
<td>12900-12996</td>
<td>12900-12996 Fair Employment and Housing Act</td>
</tr>
</tbody>
</table>

PENAL CODE

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>422.55</td>
<td>Hate crime; definition</td>
</tr>
<tr>
<td>422.6</td>
<td>Interference with constitutional right or privilege</td>
</tr>
</tbody>
</table>

CODE OF REGULATIONS, TITLE 2

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11023</td>
<td>Harassment and discrimination prevention and correction</td>
</tr>
</tbody>
</table>
Community Relations (continued)

CODE OF REGULATIONS, TITLE 5
3080 3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20
1221 1221 Application of laws
1232g 1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6577 Title I basic programs
6801-6871 6301-6577 Title I basic programs
6801-7014 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs
12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act
100.3-100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age

Management Resources:
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Title IX Coordinators, April 2015
Questions and Answers on Title IX and Sexual Violence, April 2014
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
Dear Colleague Letter: Sexual Violence, April 2011
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
Community Relations (continued)

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
WEB SITES
CSBA: http://www.csba.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr
http://www.ed.gov/ocr

Policy
adopted: May 12, 2008
revised: August 8, 2012
revised: March 13, 2013
revised: November 9, 2015
revised: January 4, 2018

CARMEL UNIFIED SCHOOL DISTRICT
Carmel, California
Community Relations

Except as the Governing Board of Education may otherwise specifically provide in other district policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serves as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding sex unlawful discrimination. (such as discriminatory harassment, intimidation, or bullying). The lead compliance officer listed below individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Paul Behan
Chief Technology Officer
P.O. Box 222700
Carmel, CA 93922
(831) 624-1546 ext. 2040
pbehan@carmelunified.org

The lead compliance officer who receives a complaint may assign another administrator to serve as a compliance officer to investigate and resolve the complaint. The lead compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee, who shall determine how the
Community Relations (continued)

A complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)
(cf. 9124 - Attorney)

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

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees and local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth, homeless students, and former juvenile court school students to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622) (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
Community Relations  (continued)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.3 - Education for Juvenile Court School Students)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 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 the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1.- ___ Identify the person(s), position(s), or unit(s) responsible for receiving complaints

2.- ___ Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable

3.- ___ Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

4.- ___ Include statements that:

   a.- ___ The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
Community Relations (continued)

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

c. 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 the reasons for the extension.

d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

e. 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.

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

g. The 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.

h. 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.

i. A foster youth, homeless student, or former juvenile court school student 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
Community Relations (continued)

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.

j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

k. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

l. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

m. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

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

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

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

integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4630)

Complaints shall also be filed in accordance with the following rules, as applicable:

1.- A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

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

3.- A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when 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 the reasons for the extension. (5 CCR 4630)

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

5.- When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is
Community Relations (continued)

not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5-CCR 4600)

Mediation

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

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

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

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

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence
Community Relations (continued)

or information may be presented at any time during the investigation.

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

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

During the investigation of complaints of sexual harassment, the respondent will be given an equitable opportunity to present witnesses and relevant evidence.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

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

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631) (5 CCR 4631)

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

Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631) (5 CCR 4631)
Community Relations (continued)

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. **When required by law, the matter shall be considered in closed session.** The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

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

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

   a. Statements made by any witnesses

   b. The relative credibility of the individuals involved
Community Relations (continued)

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

2.- ___ The conclusion(s) of law

3.- ___ Disposition of the complaint

4.- ___ Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

a.- ___ How the misconduct affected one or more students' education

b.- ___ The type, frequency, and duration of the misconduct

c.- ___ The relationship between the alleged victim(s) and offender(s)

d.- ___ The number of persons engaged in the conduct and at whom the conduct was directed

e.- ___ The size of the school, location of the incidents, and context in which they occurred

f.- ___ Other incidents at the school involving different individuals

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

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

a.- ___ The corrective actions imposed on the respondent

b.- ___ Individual remedies offered or provided to the complainant or another person who
Community Relations *(continued)*

was the subject of the complaint, **but this information should not be shared with the respondent.**

c.- ___ Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6.- ___ Notice of the complainant's **and respondent's** right to appeal the district's decision to the CDE within 15 calendar days to the CDE, and procedures to be followed for initiating such an appeal

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

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

1.- ___ He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)

2.- ___ The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

3.- ___ Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective action remedies that focus on may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1.- ___ Counseling
Community Relations *(continued)*

2. - Academic support

3. - Health services

4. - Assignment of an escort to allow the victim to move safely about campus

5. - Information regarding available resources and how to report similar incidents or retaliation

6. - Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. - Restorative justice

8. - Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

9. - Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

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

1. - Transfer from a class or school as permitted by law

2. - Parent/guardian conference

3. - Education regarding the impact of the conduct on others

4. - Positive behavior support

5. - Referral to a student success team

6. - Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

7. - Disciplinary action, such as suspension or expulsion, as permitted by law

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

The district may also consider training and other interventions for the larger school...
Community Relations (continued)

community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

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

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013, 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

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

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

Upon notification by the CDE that the complainant or respondent has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1.-____A copy of the original complaint

2.-____A copy of the written decision

3.-____A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
Community Relations (continued)

4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator

5. A report of any action taken to resolve the complaint

6. A copy of the district’s uniform complaint procedures

7. Other relevant information requested by the CDE
Students

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)

   A minor’s residence is presumed to be the legal residence of the parent/guardian who has physical custody of the minor. Temporary residence within district boundaries, solely for the purpose of enrolling a student in a district school is insufficient to establish residency for purposes of enrollment. In addition, a person who owns, rents, or leases property within district boundaries, but who does not reside within district boundaries, is not a resident for purposes of enrollment. In order to be enrolled in a district school, the student’s parent/guardian must continually reside within district boundaries at the time of the student’s application for enrollment and throughout the entire period of enrollment in the district. A post office box will not be accepted as proof of residency.

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. (Education Code 48204)

3. The student has been admitted through an interdistrict attendance option. (Education Code 48204, 48356)

   (cf. 5117 - Interdistrict Attendance)
   (cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a care-giving adult within district boundaries and the caregiving adult files an affidavit executed under penalty of perjury in accordance with Family Code 6552. The caregiving adult shall establish residency within the district by providing the required documentation specified in this regulation. (Education Code 48204)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. A student whose parent or legal guardian resides outside of the boundaries of the district but is employed and lives with the student at the place of his or her employment within the boundaries of the district for a minimum of three days during the school week, and the employer files an affidavit executed under penalty of perjury confirming the
Students (continued)

parent/guardian’s residency; and (2) establishes residency within the district by providing the required documentation specified in this regulation. (Education Code section 48204.)

8. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

9. The student’s parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within district boundaries. (Education Code 48204.3)

10. When there is a shared custody court order or custody agreement, or a split family household, and the student resides within district boundaries for the majority (at a minimum, three) of school weeknights.

In cases where there is a court ordered custody agreement of a minor student and only one parent/guardian resides within the district, the student must maintain his/her residence with the parent/guardian who resides in the district for the majority (at a minimum, three) of school weeknights. The parent/guardian shall provide a certified copy of the court order or custody agreement to the district. In the absence of a certified court order or custody agreement, the parent/guardian residing within the district must complete the Custody Declaration section of the CUSD Residency Affidavit.

(cf. 6183 - Home and Hospital Instruction)

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

(cf. 6178.2 - Regional Occupational Center/Program)

The district may admit a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

(cf. 5111.2 - Nonresident Foreign Students)

Student Residency

Children attending public school are required to attend school in the school district wherein their parent/legal guardian resides, unless explicitly authorized to attend school in another district. The district is a "basic aid" school district, unlike most other school district districts in the state, and as such, the state does not provide funding to the district to educate children who reside in other school districts. As a result, the enrollment of students whose parent/legal guardians reside in other school districts reduces the educational resources available for
Students (continued)

resident students and increases class size. It is therefore the district's policy to require valid proof of residency for all students and to be vigilant in discovering and terminating unauthorized enrollment.

When establishing a student’s residency for enrollment purposes, the Superintendent or designee shall not inquire into a student’s citizenship or immigration status.

1. The Superintendent or designee is authorized to require the parent/legal guardians of students to provide to the district verifiable documentary evidence of residency, to execute affidavits attesting to residency, and to otherwise prove residency to the satisfaction of the district. Proof of residency shall, at a minimum, be required upon a student's enrollment in kindergarten, 6th grade, and 9th grade, and upon a student's initial enrollment in the district if at a different grade level than above.

2. The office of the Chief Student Services Officer is authorized to investigate any cases where there is reason to believe that false information has been provided to the district with respect to residency or where there is reason to believe that the information provided is no longer current. The Chief Student Services Officer or designee may initiate such an investigation when he or she is able to identify specific, articulable facts supporting the belief that the student's parent or legal guardian has provided the district with false or unreliable evidence of residency, or supporting the belief that the information provided is no longer current. (Education Code section 48204.2.)

3. The investigation methods that the district may use to conduct the investigation into the residency of the student, at the discretion of the Chief Student Services Officer or designee, may include but are not limited to: telephone calls to home, unannounced home visitations, review of social media, verification of employment, search and review of public records, searches of LexisNexis and other electronic databases, and the use of licensed private investigators. Before hiring a private investigator, the district will first make reasonable efforts to determine whether the student resides in the district.

The following requirements apply to a district investigation into the residency of a student:

a. The private investigator or district employee may not surreptitiously photograph or video-record students who are being investigated. "Surreptitious photographing or video-recording" means the covert collection of photographic or videographic images of persons or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view.

b. Employees or contractors of the district engaged in student residency investigations (including private investigators) must identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation.
Students (continued)

4. If the Chief Student Services Officer or designee determines that a student currently enrolled in the district is not a resident of the district, the student shall be:

a. Disenrolled from the district, effective the Friday of the week following the final determination of nonresidency by the Chief Student Services Officer or designee, or the Superintendent as applicable.

b. Disenrolled from the district, effective 45 days following the determination of nonresidency if:

(1) The parent acknowledges living outside of district boundaries upon initial inquiry or when informed that the district possesses evidence that they do not reside within the district; and

(2) The student legitimately attended a district school prior to moving out of the district; and

(3) The parent declares their intention to reestablish residency within the 45 day period; and

(4) The student secures an interdistrict transfer agreement from their district of residency for the 45 day period; and

(5) The parent reimburses the district for any costs incurred from an investigation.

c. Disenrolled from the district, effective at the end of the semester during which nonresidency was determined if:

(1) The student moved out of the district during the course of the year and notified the district of the change of residency; and

(2) The student secures an interdistrict transfer agreement from their district of residence for the remainder of the semester.

In cases where transferring to a new school after the end of the first semester would cause a severe hardship, the Superintendent is authorized to grant the interdistrict transfer through the end of the current school year. In determining severe hardship, the Superintendent shall consider evidence provided by the parent.

5. In the event the district becomes aware of any violation of law during the course of enforcing this policy, including violation of fraud or perjury statutes, the Superintendent or designee may refer such matters to the appropriate law enforcement authorities for criminal investigation.
**Students (continued)**

**Residency Based on Parent/Guardian’s Employment with District**

The district may, at its discretion, deem that a child has complied with residency requirements for attendance in the district pursuant to Education Code section 48204(f), subject to the following conditions:

1. The child has a parent/legal guardian employed as a regular employee of the district, and the child is seeking enrollment as an elementary school student, the child may be enrolled for so long as the parent/legal guardian is so employed. (Interdistrict transfers for middle and high school students of district regular employees is addressed in the Board of Education's Interdistrict Transfer Policy). As used in this policy, a "regular employee" of the district is defined as a certificated employee of the district who works for the district for at least ten (10) months per year, or a classified employee as defined by Education Code section 45103. The definition of classified employee does not include substitute or short-term employees, employed and paid for less than 75% of a school year, defined as 195 working days, including holidays, sick leave, vacation and other leaves of absence, irrespective of number of hours worked per day. The definition of classified employee also does not include part-time playground positions, apprentices, or professional experts employed on a temporary basis for a specific project, regardless of length of employment. This condition may be applied to terminated employees due to layoff who have reemployment rights, provided that the child (children) in question has (have) been continuously enrolled and maintained regular attendance in a K-12 district school.

2. In no event shall enrollment be approved, and any such permission for attendance previously approved shall be immediately revoked, if false information has been provided to the district in the child's enrollment application or in any initial or subsequent claim of residency to the district.

2. In considering whether to deem a child to be a resident of the district pursuant to Paragraph 2 of this policy, the district shall consider the following factors:

a. Whether there is space available to admit the student without upsetting student teacher ratios.

b. The additional cost of education the child in excess of any nominal amounts of additional state aid received by the district, not including and irrespective of any costs arising from special needs particular to the individual child.

3. In no event shall enrollment be approved, and any such permission for attendance previously approved shall be immediately revoked, if false information has been provided to
Students (continued)

the district in the child's transfer or enrollment application or in any initial or subsequent claim of residency to the district.

4. Any student enrolled in the district pursuant to Paragraph 2 of this policy or this section shall immediately notify the district of any change in circumstances which would affect their residency determination under this regulation or policy. Failure to do so shall result in dis-enrollment and disqualification from future enrollment under this section Paragraph 2 or the Board's Interdistrict Transfer Policy.

(cf. 5145.6 - Parental Notifications)

Proof of Residency

Prior to admission in district schools, students shall provide proof of residency. A student can only have one residence for purposes of establishing residency. Residency within the district is required and defined as residence within the district for a minimum of three school nights per week. The Superintendent or designee may annually verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

Parent(s)/Guardian(s) can provide the following evidence to establish residency: 1. If you own or rent the property in which you reside:

a. The most recent copy of your Monterey County tax bill or a mortgage statement or a copy of the lease/rental agreement in your name showing residence property address and signatures of lessor/lessee. (If you are on a month-to-month agreement, you will also need to provide the most recent month's receipt or cancelled check); and

b. A recent utility bill in your name for the current month showing residence property address; and

c. One of the items below in your name:

(2) Proof of residency from the Monterey County Registrar of Voters; or

(2) Current DMV vehicle registration showing residency property address; or

(3) One other recent bill mailed to you at your residence address; or
Students *(continued)*

(4) A pay stub or bank-cancelled check in your name for the current month showing residence property address; or

(5) Recent correspondence from a government agency, *e.g.*, the IRS or Social Security; and

d. A completed district **Residency Affidavit** form.

2. If you are sharing a home with another individual or family:

a. The bottom of page 2 of the **Residency Affidavit (Section B)** signed by the primary resident of the home, subscribed and sworn before a school secretary or district secretary or notary public; and

b. The most recent of a Monterey County tax bill or a mortgage statement or a copy of the lease/rental agreement in the primary resident's name showing residence property address; and

c. A recent utility bill for the current month showing residence property address in your name or the primary resident's name; and

d. One of the items below in your name:

   (1) Proof of residency from the Monterey County Registrar of Voters; or

   (2) Current DMV vehicle registration showing residency property address; or

   (3) One other recent bill mailed to you at your residence address; or

   (4) A pay stub or cancelled check in your name for the current month showing residence property address; or

   (5) Recent correspondence from a government agency, *e.g.*, the IRS or Social Security; and

   e. A completed district **Residency Affidavit** form.

 *(cf. 5141—Health Care and Emergencies)*

3. If the parent/guardian resides outside the boundaries of the district but is employed and lives with the student at the place of his or her employment within the boundaries of the district for a minimum of three days during the school week:
Students (continued)

a. Affidavits executed under penalty of perjury by the employer and the parent/guardian stating that the parent/guardian is employed and lives with the student at the place of his or her employment within the district's boundaries for at least three days during the school week; and

b. To prove that the employer's residence is within the district boundaries:

(1) The most recent of a Monterey County tax bill or a mortgage statement or a copy of the lease/rental agreement in the employer's name showing the residence property address; and
(2) A recent utility bill for the current month showing residence property address in the employer's name; and
(3) One of the items below in the employer's name:

(A) Proof of residency from the Monterey County Registrar of Voters; or
(B) Current DMV vehicle registration showing residency property address; or
(C) One other recent bill mailed to the employer at his or her residence address; or
(D) A pay stub or cancelled check in the employer's name for the current month showing residence property address; or
(E) Recent correspondence from a government agency, e.g., the IRS or Social Security.

The Chief Student Services Officer or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

Failure to Verify Residency

When the Chief Student Services Officer or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. (Education Code 48204.1)

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent
Students (continued)

or designee shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. The Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries. (Government Code 6206, 6207)

(cf. 3580 - District Records)

Revocation of Enrollment and Appeal Process

If the Chief Student Services Officer or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment. Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the facts leading to the decision and the basis for the Chief Student Services Officer or designee's determination. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the Chief Student Services Officer or designee within 10 school days or may seek an appeal to the Superintendent within 10 school days as set forth below.

If the parent/legal guardian timely provides new material evidence of residency to the Chief Student Services Officer or designee, the Chief Student Services Officer or designee shall review the new evidence and make a decision within 10 school days upon receipt of the new evidence. The Chief Student Services Officer or designee shall provide the parent/guardian with written notice of his or her decision and, if the Chief Student Services Officer or designee determines that the student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, the Chief Student Services Officer or designee shall provide the parent/guardian with notice of his or her right to appeal to the Superintendent within five days after receipt of the decision.

If the parent/guardian timely seeks an appeal to the Superintendent, the burden shall be on the parent/guardian to show why the Chief Student Services Officer or designee's decision should be overruled. The Superintendent's decision regarding the appeal shall be provided in writing to the parent/guardian and shall specify the basis for his or her determination. The Superintendent's decision shall be final.

Legal Reference:

EDUCATION CODE
35351 Assignment of students to particular schools
46600-46611 Interdistrict attendance permits
48050-48054 Nonresidents
Students (continued)

48200-48208 Compulsory education law
48356 Open Enrollment Act transfer, fulfillment of residency requirement
48853.5 Education of foster youth; immediate enrollment
48980 Notifications at beginning of term
52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE
6550-6552 Caregivers

GOVERNMENT CODE
6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5
432 Varieties of student records

UNIVERSAL CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
0303.95 Verification of residency, LO: 1-95

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Dear Colleague Letter, May 6, 2011

WEB SITES
California Department of Education: http://www.cde.ca.gov
California Secretary of State, Safe at Home Program: http://www.sos.ca.gov/safeathome
Office for Civil Rights, U.S. Department of Education: http://www2.ed.gov/about/offices/list/ocr

Regulation
as of: April 1, 2007
revised: March 14, 2012
revised: November 9, 2015
revised: January 5, 2018
NOTE: Establishing residency does not complete a child’s registration.

INSTRUCTIONS:

Residency must be established by a parent/guardian of each student who is
• New to the district,
• Transferring from one school to another within the district, or
• Changing addresses.

Submit the documents listed below to the school your child will attend and complete all sections both pages of the Residency Affidavit, as applicable.

Before submitting documentation, you may cross out all dollar amounts and account numbers to maintain privacy.

NOTE: If legal custody of a child is split between two parents, in addition to the documents listed below, you need to attach a certified copy of the court order or custody agreement identifying each parent’s respective award of physical custody. In the absence of a certified court order or custody agreement, or in the case of a split family household, you must complete the Custody Declaration in this Residency Affidavit. -You are responsible to immediately inform the school of any changes to the court order or agreement, or other custody arrangements for your child(ren).

A. If you own/rent the property in which you reside, please submit these 3 items:

_____ (1) The most recent copy of your Monterey County Tax Bill or a Mortgage Statement or a copy of the lease/rental agreement in your name showing the residence address and signatures of lessor/lessee. (If you are on a month-to-month agreement, you must provide the most recent month’s receipt or cancelled check); and

_____ (2) A recent utility bill in your name for the current month showing the residence address; and

_____ (3) One of the items below in your name, showing the residence address:
 a. Proof of residency from the Monterey County Registrar of Voters; or
 b. Current DMV vehicle registration; or
 c. One other recent bill mailed to you; or
 d. A pay stub or bank-cancelled check for the current month; or
 e. Recent correspondence from a government agency, e.g., the IRS or Social Security.

B. If you are sharing a home with another individual/family, please submit these 4 items:

_____ (1) Section B of the Residency Affidavit must be signed by the primary resident of the home before a CUSD official or notary public.

_____ (2) The most recent of a Monterey County Tax Bill or a Mortgage Statement or a copy of the lease/rental agreement in the primary resident’s name showing the residence address; and

_____ (3) A recent utility bill for the current month showing the residence address in your name or the primary resident’s name; and

_____ (4) One of the items below in your name, showing the residence address:
 a. Proof of residency from the Monterey County Registrar of Voters; or
 b. Current DMV vehicle registration; or
 c. One other recent bill mailed to you; or
 f. A pay stub or bank-cancelled check for the current month; or
 g. Recent correspondence from a government agency, e.g., the IRS or Social Security.
NOTE: Establishing residency does not complete a child’s registration.

This form and your documents may be photocopied/scanned for administrative purposes.

School: ___________ Student: ___________________________________________ Grade: _____ DOB: _______ Gender: _______

School: ___________ Student: ___________________________________________ Grade: _____ DOB: _______ Gender: _______

School: ___________ Student: ___________________________________________ Grade: _____ DOB: _______ Gender: _______

School: ___________ Student: ___________________________________________ Grade: _____ DOB: _______ Gender: _______

Parent(s)/Guardian(s): __________________________________________ ____________________________

Mailing Address: ___________________________________________________ City: __________________ Zip: __________

Physical Address: ___________________________________________________ City: __________________ Zip: __________

Primary Phone: ______________________ - Work/Cell: __________________-- Work/Cell: __________________

Primary Email Address (Please print clearly): __________________________________________________________

The above-listed address is the full-time (7 days a week) residence of the above-listed child(ren) (unless otherwise noted in the attached certified court order or custody agreement or as attested in the Custody Declaration, below).

☐ Certified court order or custody agreement is attached.

☐ Custody Declaration (Must be completed if you are a custodial parent/guardian and you do not submit a certified court order or custody agreement):

I declare that I am the custodial parent/guardian of the above-listed child(ren), who reside(s) with me at the physical address listed above for the majority (at a minimum, three) of a minimum of three (3)-school weeknights.

If applicable, custody agreement provided

I agree to immediately notify the Carmel Unified School District if there is any change in residency.

I swear (or certify) under penalty of perjury that the foregoing is true and correct, and that any and all copies of documents submitted to verify my residency are true and correct copies of the original documents, and that any and all documents submitted have not been altered except for the crossing out of dollar amounts and account numbers which is permitted for the purposes of this Residency Affidavit.

Executed on the date below in the County of ________________, California.

Signature of Parent/Guardian ___________________________ Date ___________________________

* To validate the Residency Affidavit, the parent/guardian Signature must be witnessed by a CUSD official or notary public.

SWORN BEFORE ME ON THIS DATE:

______________________ ______________________
CUSD Official Notary Public

Date Date

☐ Method of Verification of Birth Date provided (i.e. birth certificate, passport, etc.) NEW CUSD Students Only

☐ Complete     ☐ Pending: ______________________

REGISTRAR: Please scan complete Residency Affidavit and supporting documentation and save in the shared Residency drive.
Residency Affidavit
Carmel Unified School District

NOTE: Establishing residency does not complete a child’s registration.

TO BE UNDERSTOOD AND INITIALED BY THE PARENT/GUARDIAN:

The Carmel Unified School District will actively investigate all cases where it has reason to believe false information has been provided. _______ (Initials)

I agree to immediately notify Carmel Unified School District if there is any change in the status of my residency. _______ (Initials)

The District may refer cases in which false information has been intentionally provided to the Monterey County District Attorney for further action and/or file civil action to recover damages incurred as a result of providing false information. _______ (Initials)

If false information is provided to the District for the purpose of enrolling my child in the District, I could be held liable for the expense to the District of investigating my child’s residency. _______ (Initials)

Persons providing false information on an affidavit also are civilly liable for fraud, negligent misrepresentation, and negligence. Parties found civilly liable may be required to pay all damages caused to the District as a result of providing false information, as well as punitive damages. (Civ. Code Sec. 1709) _______ (Initials)

Investigations that reveal students have enrolled on the basis of providing false information will lead to withdrawal from the District. _______ (Initials)

__________________________ _________________________________
Signature of Parent or Legal Guardian Date

Section B
TO BE COMPLETED BY THE PRIMARY RESIDENT SHARING A HOME WITH THOSE DESCRIBED ON THE PREVIOUS PAGE:

I, ____________________________, declare I am the primary resident/owner of the address listed on the previous page and that the person(s) claiming the address on the previous page resides with me on a full-time basis (7 days a week). I will submit the required pieces of evidence to verify my residency.

I agree to immediately notify the Carmel Unified School District if there is any change in the status of the residency of the person(s) listed on the previous page. I understand that home visitation and/or residency verification is a part of a process when residency is established by this Residency Affidavit.

I swear (or certify) under penalty of perjury that the foregoing is true and correct. Executed on the date below in the County of ________________, California.

__________________________ _________________________________
Signature of Primary Resident Date

SWORN BEFORE ME ON THIS DATE:

_____________________ _________________________________
CUSD Official Date

OR

_____________________ _________________________________
Notary Public Date
Residency Affidavit
Carmel Unified School District

NOTE: Establishing residency does not complete a child’s registration.
Nondiscrimination/Harassment

Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, 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 district provides equal access to the Boy Scouts and other designated youth groups.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131-2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education Under Section 504)

Prohibited Unlawful discrimination, including discriminatory harassment, intimidation, or bullying includes, may result from physical, verbal, nonverbal, or written conduct based on one any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe and persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one any of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any student individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the
Students (continued)

same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by
publishing the district's nondiscrimination policy and related complaint procedures to
students, parents/guardians, and employees. He/she shall provide training and information on
the scope and use of the policy and complaint procedures and take other measures designed
to increase the school community's understanding of the requirements of law related to
discrimination. The Superintendent or designee shall regularly review the implementation of
the district's nondiscrimination policies and practices and, as necessary, shall take action to
remove any identified barrier to student access to or participation in the district's educational
program. He/she shall report his/her findings and recommendations to the Board after each
review.

Discrimination complaints will be resolved using the Uniform Complaint Procedure.
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. The Superintendent or designee shall provide age-appropriate training and information to
students, parents/guardians, and employees regarding discrimination, harassment,
intimidation, and bullying, including, but not limited to, the district's nondiscrimination
policy, what
constitutes prohibited behavior, how to report incidents, and to whom such reports should be-
made.

1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

In providing instruction, guidance, supervision, or other services to district students,
employees and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 1240 - Volunteer Assistance)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

The principal or designee shall develop Regardless of whether a plan to provide
students complainant complies with appropriate accommodations when necessary for their
protection from threatened or potentially harassing or discriminatory behavior.
the writing, timeline, and/or other formal filing requirements, all complaints alleging
unlawful
Students who engage in discrimination, including discriminatory harassment, intimidation, or
bullying, shall be investigated and prompt action taken to stop the discrimination, prevent
recurrence, and address any continuing effect on students.
Students (continued)

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, up to and including counseling, which may include suspension, and/or expulsion—when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying, or retaliation, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and to answer inquiries regarding the district's nondiscrimination policies: prevent repetitive prohibited behavior in district schools.

Director of Technology and Data Services
4380 Carmel Valley Road
Carmel, CA 93923
(831) 624-1546

(cf. 1312.1 - Complaints Concerning District Employees Records)
(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.
Students (continued)

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7—Sexual Harassment.

(ef. 5145.7—Sexual Harassment)

Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.

(ef. 1113—District and School Web Sites)
(ef. 1114—District Sponsored Social Media)
(ef. 6163.4—Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

Legal Reference:
EDUCATION CODE
200-262.4  Prohibition of discrimination
48900.3  Suspension or expulsion for act of hate violence
48900.4  Suspension or expulsion for threats or harassment
48904  Liability of parent/guardian for willful student misconduct
48907  Student exercise of free expression
48950  Freedom of speech
48985  Translation of notices
49020-49023  Athletic programs
51500  Prohibited instruction or activity
51501  Prohibited means of instruction
60044  Prohibited instructional materials
CIVIL CODE
1714.1  Liability of parents/guardians for willful misconduct of minor
PENAL CODE
Students (continued)

422.55  Definition of hate crime
422.6  Crimes, harassment

CODE OF REGULATIONS, TITLE 5
432  Student record
4600-4687  Uniform complaint procedures
4900-4965  Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20
1681-1688  Title IX of the Education Amendments of 1972
12101-12213  Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29
794  Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42
2000d-2000e-17  Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6  Title IX of the Civil Rights Act of 1964
6101-6107  Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28
35.107  Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34
99.31  Disclosure of personally identifiable information

100.3  Prohibition of discrimination on basis of race, color or national origin
104.7  Designation of responsible employee for Section 504
106.8  Designation of responsible employee for Title IX
106.9  Notification of nondiscrimination on basis of sex

COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
California Student Safety and Violence Prevention – Laws and Regulations, April 2004

FIRST AMENDMENT CENTER PUBLICATIONS
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Dealing with Legal Matters Surrounding Students’ Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Examples of Policies and Emerging Practices for Supporting Transgender Students, May
Students (continued)

2016

Dear Colleague Letter:  Title IX Coordinators, April 2015
Dear Colleague Letter:  Harassment and Bullying, October 2010
Notice of Non-Discrimination, January 1999

WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov
California Safe Schools Coalition: http://www.casafeschools.org
First Amendment Center:  http://www.firstamendmentcenter.org
National School Boards Association:  http://www.nsba.org
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr

Policy
adopted: November 27, 2006
revised: September 5, 2012
revised: January 4, 2018
Nondiscrimination/Harassment

Students

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Paul Behan
Chief Technology Officer
PO Box 222700
4380 Carmel Valley Road
Carmel CA  93922
(831) 624-1546, ext 2040
pbehan@carmelunified.org

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on the district's web site and other prominent locations.

2. Post in a prominent and conspicuous location on the district and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education
Students (continued)

Code 221.61)

a. The name and contact information of the district's Title IX coordinator, including the phone number and email address

b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 - Uniform Complaint Procedures, which shall include:

1. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

2. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

3. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

3. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

4. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)
Students (continued)

5. The Superintendent or designee shall ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

6. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

7. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

8. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)
Students (continued)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond.

3. Disseminating and/or summarizing the district’s policy and regulation regarding unlawful discrimination.

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school’s response to students, parents/guardians, and the community.

   (cf. 4112.6/4212.6/4312.6 - Personnel Files)
   (cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
   (cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true.

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

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment,
Students (continued)

intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of his/her gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender he/she was assigned at birth.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her
Students (continued)

2. Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable.

3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity.

4. Taunting a student because he/she participates in an activity more typically favored by a student of the other sex.

5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent.

6. Use of gender-specific slurs.

7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression.

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that
Students (continued)

honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the
Students (continued)

district shall not require a student to utilize these options because he/she is transgender or
gender-nonconforming. In addition, a student shall be permitted to participate in accordance
with his/her gender identity in other circumstances where students are separated by gender,
such as for class discussions, yearbook pictures, and field trips. A student's right to
participate in a sex-segregated activity in accordance with his/her gender identity shall not
render invalid or inapplicable any other eligibility rule established for participation in the
activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory
student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court
order. However, at the written request of a student or, if appropriate, his/her
parents/guardians, the district shall use the student's preferred name and pronouns consistent
with his/her gender identity on all other district-related documents. Such preferred name may
be added to the student's record and official documents as permitted by law.

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to
address the student by a name and the pronouns consistent with his/her gender identity,
without the necessity of a court order or a change to his/her official district record. However,
inadvertent slips or honest mistakes by district personnel in the use of the student's name
and/or consistent pronouns will, in general, not constitute a violation of this administrative
regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with
his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)
Sexual Harassment

Students

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint, or testifies about, or otherwise participates in district complaint processes 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 who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5131 - Conduct)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5131 - Conduct)
(cf. 5131.2 (cf. 5131.3 - Bullying)
(cf. 5137 (cf. 5132 - 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)

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 instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
Students (continued)

2. A clear message that students do not have to endure sexual harassment under any circumstance

3. Encouragement to report observed instances 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, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect 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, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

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

Complaint Process and Disciplinary Actions

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 (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other school district employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

Sexual harassment complaints by and against students 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)
Students (continued)

Upon investigation of a sexual harassment complaint, any student found to have engaged (cf. 5141.4 - Child Abuse Prevention and Reporting)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

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

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

Confidentiality and Record Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 4117.7 - Employment Status Report)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

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

(cf. 3580 - District Records)
Students (continued)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
48900-48900 Grounds for suspension or expulsion
48900.2 Additional grounds for suspension or expulsion; sexual harassment
48904 Liability of parent/guardian for willful student misconduct
48980 Notice at beginning of term
CIVIL CODE
51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor
GOVERNMENT CODE
12950.1 Sexual harassment training
CODE OF REGULATIONS, TITLE 5
4600 Uniform complaint procedures
4900-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681 Discrimination
UNITED STATES CODE, TITLE 42
1983 Civil action for deprivation of rights
2000d Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
106.1 Nondiscrimination on the basis of sex in education programs
106.1-106.71 Family Educational Rights and Privacy
COURT DECISIONS
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Transgender and Gender-Nonconforming Students, Policy Brief, April 2010 February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Examples of Policies and Emerging Practices for Supporting Transgender Students, May
Students (continued)

2016
Dear Colleague Letter:  Title IX Coordinators, April 2015
Questions and Answers on Title IX and Sexual Violence, April 2014
Dear Colleague Letter:  Sexual Violence, April 4, 2011
Sexual Harassment:  It's Not Academic, September 2008
Revised Sexual Harassment Guidance:  Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
WEB SITES
CSBA:  http://www.csba.org
CSBA:  http://www.csba.org
U.S. Department of Education, Office for Civil Rights:  http://www.ed.gov/about/offices/list/ocr  http://www.ed.gov/about/offices/list/ocr

Policy
adopted: March 12, 2007
revised: September 19, 2012
revised: January 4, 2018

CARMEL UNIFIED SCHOOL DISTRICT
Carmel, California
Sexual Harassment

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Paul Behan
Chief Technology Officer
PO Box 222700
4380 Carmel Valley Road
Carmel CA  93922
(831) 624-1546, ext 2040
pbehan@carmelunified.org

(cf.—1312.3 - Uniform Complaint Procedures)

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

1.—___Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.

2.—___Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.

3.—___The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

4.—___Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf.—5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf.—5137 - Positive School Climate)
(cf.—5145.3 - Nondiscrimination/Harassment)
(cf.—6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:
AR 5145.7(b)

**Students (continued)**

1. Unwelcome leering, sexual flirtations, or propositions

2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions

3. Graphic verbal comments about an individual's body or overly personal conversation

4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature

5. Spreading sexual rumors

6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body

8. Touching an individual's body or clothes in a sexual way

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex

10. Displaying sexually suggestive objects

11. Sexual assault, sexual battery, or sexual coercion

**School Level Complaint Process/Grievance Procedure**

**Complaints**

12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment, or any behavior prohibited 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 he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment may file a complaint with his or her teacher, the principal, or any other available school employee. Within 24 hours of receiving such a complaint, the school employee shall forward the report to the district Director for Nondiscrimination/Principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within 24 hours of the observation, report it to the principal or the district's compliance officer.
Students (continued)

Director/Principal or a 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 shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the 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, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

During the investigation, the respondent will be given an equitable opportunity to present witnesses and relevant evidence.

In any case of sexual harassment involving the Director/Principal, compliance officer, or any other person to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report the complaint to the Superintendent or designee.

2. Initiation of Investigation: The Director/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Director/Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is who will investigate the complaint.
Students (continued)

(cf. reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Director/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.

4. Investigation Process: The Director/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

The Director/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Director/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

Response Pending Investigation

When an incident of sexual harassment is reported, the principal

When necessary to carry out his/her investigation or to protect student safety, the Director/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in-
Students (continued)

determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager, in consultation with the compliance officer. (cf. 5141.4 - Child Abuse Prevention and Reporting)

5. Interim Measures: The Director/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. 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 or transferring a student to a class taught by a different teacher.

6. Optional Mediation: In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Director/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly, in accordance with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time, law and Board policy. The school should

(cf. 5138 - Conflict Resolution)

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Director/Principal may take into account:

a. Statements made by the persons identified above

b. The details and consistency of each person's account

c. Evidence of how the complaining student reacted to the incident

d. Evidence of any past instances of harassment by the alleged harasser

e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Director/Principal may take into consideration:

a. How the misconduct affected one or more students’ education

b. The type, frequency, and duration of the misconduct

c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them

d. The number of persons engaged in the harassing conduct and at whom the harassment was directed

e. The size of the school, location of the incidents, and context in which they occurred

f. Other incidents at the school involving different students
8. Written Report on Findings and Follow-Up: No more than 30 days after receiving the complaint, the Director/Principal shall conclude the investigation and prepare a written a report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Director/Principal shall notify the student who complained and explain the reasons for the extension. The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student individual who was accused, and the Superintendent or designee.

In addition, the Director/Principal shall ensure that the harassed student and of his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Director/Principal shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate actions to reinforce the district's sexual harassment policy. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As 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)
   (cf. 4231 — Staff Development)
   (cf. 4331 — Staff Development)

3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
   (cf. 4119.23/4219.23/4319.23 — Unauthorized Release of Confidential/Privileged Information)
   (cf. 5125 — Student Records)

5. Taking appropriate disciplinary action, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

(cf. 4118 — Suspension/Disciplinary Action)
Students (continued)

(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))

Notifications

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

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

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

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

4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

5. Be included in the student handbook
High School Graduation Requirements

BP 6146.1(a)

Instruction

The Governing Board of Education desires to prepare all students to obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and employment. (cf. 5127 - Graduation Ceremonies and Activities)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At Risk Students)
6011 - Academic Standards)
(cf. 6143 - Courses of Study)
(cf. 6146.3 - Reciprocity of Academic Credit)

Course Requirements

To obtain a high school diploma, students shall complete at least 240 total credits inclusive of the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Four courses in English (Education Code 51225.3)
   (cf. 6142.91 - Reading/Language Arts Instruction)

2. Three courses in mathematics (Education Code 51225.3)
   At least one mathematics course, or a combination of the two mathematics courses required for completion in grades 9-12, shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete three—mathematics courses in grades 9-12. (Education Code 51224.5)
   Completion, prior to grade 9, of algebra coursework that meets or exceeds state academic content standards shall satisfy the algebra coursework requirement, but shall not exempt a student from the requirement to complete three mathematics courses in grades 9-12.
   (Education Code 51224.5)
   (cf. 6011 - Academic Standards)
   Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (Education Code 51225.3, 51225.35)
   (cf. 6142.92 - Mathematics Instruction)
   (cf. 6152.1 - Placement in Mathematics Courses)
Instruction (continued)

3. Two courses in science, including biological, life and physical sciences (Education Code 51225.3)

(cf. 6142.93 - Science Instruction)

4. Four or five courses in social studies, including: one semester of world geography/cultures (or a full year course that includes this content) global studies in ninth grade; one year of world history in tenth grade; one year of United States history in eleventh grade; one semester of economics and one semester of American government and civics (or a full-year course that covers American government, civics and economics) in twelfth grade. (Education Code 51225.3)

(cf. 6142.3 - Civic Education)
(cf. 6142.94 - History-Social Science Instruction)

5. One course in visual or performing arts

6. One year of world language, including American Sign Language, or career technical education. (Education Code 51225.3)

6.7. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code. (Education Code 51225.3)

8. Twelve semesters or six year-long elective courses
Instruction (continued)

In addition, in order to graduate from Carmel High School, it is necessary to:

1. Complete a one semester year in a computer technology course or pass a technology/information skills competency test.

2. Complete a one semester course in Health.

3. Perform 60 hours of community youth service over the four years at Carmel High School, with encouragement to perform at least 15 hours per year.

4. Pass the Carmel High School swim test.

(6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.8 - Comprehensive Health Education)

3. Pass the Carmel High School swim test.

6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.8 - Comprehensive Health Education)

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

The Superintendent or designee shall exempt or waive specific course requirements for foster youth or children of military families in accordance with Education Code 51225.3 and 49701.

(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education for Children of Military Families)

High School Exit Examination

As a condition of high school graduation, each student completing grade 12 shall have successfully passed the state exit examination in language arts and mathematics unless he/she receives a waiver or exemption. (Education Code 60851, 60859)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
Exemptions and Waivers

A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into the district any time after completing his/her second year of high school shall be required to complete all graduation requirements specified in Education Code 51225.3 but shall be exempt from any additional district-adopted graduation requirements, unless the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school. Within 30 days of the transfer, any such student shall be notified of the availability of the exemption and whether he/she qualifies for it. (Education Code 51225.1)

(c.f. 6159 - Individualized Education Program)
(c.f. 6162.52 - High School Exit Examination)

Supplemental instruction shall be offered to any student in grade 7-12 who does not demonstrate "sufficient progress," as defined in BP 6179 – Supplemental Instruction, toward passing the exit exam. (Education Code 37252, 60851)

(c.f. 5148.2 - Before/After School Programs)
(c.f. 6176 – Weekend/Saturday Classes)
(c.f. 6177 – Summer School)
(c.f. 6179 – Supplemental Instruction)

Students who have not passed one or both parts of the exit exam by the end of grade 12 shall have the opportunity to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they have passed both parts of the exam, whichever comes first. (Education Code 37254)

(c.f. (c.f. 1312.4 – Williams Uniform Complaint Procedures)
(c.f. 5145.6 - Parental Notifications)
(c.f. 6173 - Education for Homeless Children)
(c.f. 6173.1 - Education for Foster Youth)
(c.f. 61646173.2 - Guidance/Counseling Services)
(c.f. 6173.3 - Education for Juvenile Court School Students)

Certificates Education of Completion (Children of Military Families)
Students who have passed all the district's course requirements by the end of their senior year but are unable to pass the high school exit exam shall receive a certificate of completion.

In addition to the course requirements listed above, students are strongly encouraged to enroll in college and career preparation courses that meet admission requirements for the University of California (UC) and California State University (CSU) systems. These courses (commonly called A-G courses) are listed below.
Instruction (continued)

History and Social Science  2 years
English  4 years
Mathematics  3 years
Laboratory Science  2 years (3 recommended)
Foreign Language  2 years (3 recommended)
Visual/Performing Arts  1 year
A-G Elective  1 year
Total A-G Courses  15
Additional Courses  9

(cf. 6173.3 - Education for Juvenile Court School Students)

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

The district may retroactively grant a high school diploma to a former student who was interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a district school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to the internment or military service. (Education Code 51430)

The district also may retroactively grant a diploma to a deceased former student who satisfies the above conditions. The may be granted a retroactive diploma shall be received by the deceased student’s next of kin. (Education Code 51430)

In addition, the district may grant a diploma to a veteran who entered the military service of the United States while he/she was a district student in grade 12 and who had completed the first half of the work required for grade 12. (Education Code 51440)

Legal Reference:
EDUCATION CODE
35186  Williams Uniform Complaint Procedures
37252  Supplemental instructional programs
37254  Supplemental instruction based on failure to pass exit exam by end of grade 12
37254.1  Required student participation in supplemental instruction
47612  Enrollment in charter school
48200  Compulsory attendance
48412  Certificate of proficiency
48430  Continuation education schools and classes
Instruction (continued)

48645.5 Acceptance of coursework
48980 Required notification at beginning of term
49701 Interstate Compact on Educational Opportunity for Military Children
51224 Skills and knowledge required for adult life
51224.5 Algebra instruction
51225.1 Exemption from district graduation requirements
51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course
51225.3 Requirements
51225.35 Mathematics course requirements; computer science
51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation
51225.5 Honorary diplomas; foreign exchange students
51225.6 Compression-only cardiopulmonary resuscitation
51228 Graduation requirements
51240-51246 Exemptions from requirements
51250-51251 Assistance to military dependents
51410-5141251413 Diplomas
51420-51427 High school equivalency certificates
51430 Retroactive high school diplomas
51440 Retroactive high school diplomas
51450-51455 Golden State Seal Merit Diploma
51745 Independent study restrictions
52378 Supplemental school counseling program
56390-56392 Recognition for educational achievement, special education
60850-60859 High school exit examination
66204 Certification of high school courses as meeting university admissions criteria
67386 Student safety; affirmative consent standard

CODE OF REGULATIONS, TITLE 5
1600-1651 Graduation of students from grade 12 and credit toward graduation
4600-4687 Uniform complaint procedures

COURT DECISIONS

Management Resources:
WEB SITES
CSBA:  http://www.csba.org
University of California, List of Approved a-g Courses: http://www.universityofcalifornia.edu/admissions/freshman/requirements

Policy
revised: June 24, 2008
revised: February 29, 2012
revised: January 5, 2018

CARMEL UNIFIED SCHOOL DISTRICT
Carmel, California