


LA MESA-SPRING VALLEY
SCHOOL DISTRICT



Annual Notification 2022-23



The La Mesa-Spring Valley
School District is required to
annually notify pupils,
parents, and guardians of
their rights and
responsibilities, pursuant to
California Education Code
(EC) 48980.





August 10, 2022

Dear Students, Parents, and Guardians,

State law requires an annual notification to students, parents, and guardians of their rights and responsibilities pertaining to student education. Please read this annual notification. A parent or guardian is required to acknowledge receipt of this notice in the Aeries Parent Portal or by signing and returning the signature page to their child's school. Your signature is an acknowledgment that you have been informed of your rights. It does not provide consent for your child to participate or not participate in any particular program listed within the annual notification.

Some legislation requires additional notification to parents or guardians prior to a specific activity or class during the school year. A separate letter will be sent to parents or guardians prior to any of these specified activities or classes. Students will be excused whenever their parents or guardians submit such a request in writing to the school principal.

The involvement of parents or guardians in the education of their children is integral to student learning and wellbeing. This annual notification also contains information about the various ways you can be involved in your child's education. Our mission, to transform the lives of our students in a safe and supportive learning environment, is made possible by the dedicated efforts of the entire LMSV community: staff, students, and parents alike. Thank you for your continued partnership.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Feliciano', written over a horizontal line.

David Feliciano, Superintendent
La Mesa-Spring Valley School District

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EQUITY AND ACCESS

NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES

STATEMENT OF NON-DISCRIMINATION

Discrimination in education programs is prohibited by state and federal law. Education Code section 200, et seq. requires a school district to afford all pupils regardless of gender, gender identity, gender expression, sex, race, color, religion, natural origin, immigration status, ethnic group identification/ethnicity, mental or physical disability, sexual orientation, or the perception of one or more of such characteristics, equal rights and opportunities in accessing educational programs, activities, and facilities.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Title IX prohibits discrimination on the basis of sex. The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. Also, pursuant to EC 212.1, “race” is inclusive of traits historically associated with race, including, but not limited to, protective hairstyles and textures. “Protective hairstyles” is defined to include (but not limited to) styles such as braids, locks, and twists.

This policy requires notification in the native language of persons with limited English language skills if service area contains a community of minority persons with limited English language skills. La Mesa-Spring Valley School District will take the required steps to assure that the lack of English will not be a barrier to admission and participation in district programs. This policy applies to all students insofar as participation in programs and activities is concerned, with few exceptions such as contact sports. In accordance with federal law, complaints alleging non-compliance with this policy are investigated through the Uniform Complaint Process.

PUPIL PROTECTIONS RELATING TO IMMIGRATION AND CITIZENSHIP STATUS-EC 234.7

Except as required by state or federal law or as required to administer a state or federally supported educational program, La Mesa-Spring Valley School District (LMSVSD) shall not collect information or documents regarding citizenship or immigration status of pupils or their family members.

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

If the district becomes aware that a pupil’s parent or guardian is not available to care for the pupil, LMSVSD staff shall first exhaust any parental instruction relating to the pupil’s care in the emergency contact information it has for the pupil to arrange for the pupil’s care. The La Mesa-Spring Valley School District will not contact Child Protective Services to arrange for the pupil’s care unless it is unable to arrange care through the use of emergency contact information provided by the parents or other information provided by the parent or guardian.

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

MIGRANT EDUCATION-EC 54444.2

When the La Mesa-Spring Valley School District receives migrant education funds and services, it will actively solicit parental involvement in the planning, operation, and evaluation of its programs through the establishment of a parent advisory council. Parents have the sole authority to determine the composition of the council.

SAFE PLACE TO LEARN ACT-EC 234, 234.1, 48985

LMSVSD has adopted policies pertaining to the following:

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

LMSVSD’s anti-discrimination and anti-harassment policies are posted in schools and offices and available online at www.lmsvschools.org.

The notice shall be in English and in the primary language if 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 8 inclusive, speak a single primary language other than English as determined by census data. The anti-discrimination and anti-harassment policies shall also be posted in schools and administrative offices.

TITLE IX: SEX EQUITY IN EDUCATION ACT

BULLYING AND HARASSMENT PREVENTION INFORMATION-EC 234.6

Commencing with the 2020-21 academic year, each county office of education, school district, and charter school – or LEA (“local education agency”) for the purpose of this section – shall ensure that all of the following information is readily accessible in a prominent location on the local educational agency’s existing website in a manner that is easily accessible to parents or guardians and pupils:

1. The LEA’s policy on pupil suicide prevention in grades 7 to 8
2. The LEA’s policy on pupil suicide prevention in kindergarten and grades 1 to 6, including reference to the age appropriateness of that policy
3. The definition of discrimination and harassment based on sex, and the rights derived from the Sex Equity in Education Act
4. The Title IX information and training materials included on an LEA’s internet website
5. A link to the Title IX information included on the department’s internet website
6. The LEA’s written policy on sexual harassment, as it pertains to pupils
7. The LEA’s policy, if it exists, on preventing and responding to hate violence
8. The LEA’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies
9. The LEA’s anti-cyberbullying procedures
10. A section on social media bullying that includes all of the following references to possible forums for social media bullying:
 - a. Internet websites with free registration and ease of registration
 - b. Internet websites offering peer-to-peer instant messaging
 - c. Internet websites offering comment forums or sections
 - d. Internet websites offering image or video posting platforms

11. A link to statewide resources, including community-based organizations, compiled by the department
12. Any additional information the LEA deems important for preventing bullying and harassment

COURSE SELECTION AND CAREER

SEX EQUITY IN CAREER COUNSELING AND COURSE SELECTION-EC 221.5(d)

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

SEXUAL HARASSMENT

SEXUAL HARASSMENT POLICY – EC 231.5, 231.6, 48980(g), 48900.2; 5 California Code of Regulations (CCR) 4917

La Mesa-Spring Valley School District will not tolerate sexual harassment by anyone participating in any district program or activity. This includes student-to-student or peer sexual harassment as well as harassment between a student and any district participant. LMSVSD takes all complaints of sexual harassment seriously, investigates and addresses identified sexual harassment, and if the investigation results in the determination that sexual harassment has occurred, take reasonable, immediate corrective action to stop the harassment, eliminate a hostile environment, and prevent future sexual harassment. Alleged pupil sexual harassment in violation of district policy or federal or state law will be handled pursuant to LMSVSD policy and procedures which can be found online at www.lmsvschools.org. A pupil in grades 4 to 8, inclusive, may be suspended from school or recommended for expulsion if the superintendent or principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined below.

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

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

CYBER SEXUAL BULLYING-EC 234.2

La Mesa-Spring Valley School District may suspend or expel students who engage in cybersexual bullying consistent with the LMSVSD'S disciplinary procedures described above. The California Department of Education has developed information regarding cybersexual bullying available at <http://www.cde.ca.gov/lss/se/bullyingprev.asp>, and available on the California Healthy Kids Resource Center Website.

MARRIED, PREGNANT, OR PARENTING STUDENTS

RIGHTS AND OPTIONS AVAILABLE TO PREGNANT AND PARENTING PUPILS-EC 46015, 221.51, 222.5, 46015

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

A pregnant or parenting pupil may return to their previous school and course of study and is entitled to make up opportunities for any work missed during the leave.

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

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

FAQs: RIGHTS AND OPTIONS AVAILABLE TO PREGNANT/PARENTING PUPILS

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

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

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

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

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

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

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

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

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

What if my child is sick?

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

What happens when I return to school?

A pregnant or parenting pupil will return to their normal course of study. The pupil is entitled to opportunities to make up any missed work from parental leave. The pupil may also enroll in an alternative educational program provided it is equal to that of their former schoolwork.

Do these rights only apply to pregnant pupils?

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

RIGHTS OF MILITARY CONNECTED YOUTH

CHILDREN OF MILITARY FAMILIES AND OTHER PROTECTED PUPILS-EC 49701, 51225.1, 51225.2

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

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

A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations. A complainant not satisfied with the decision of a local educational agency may appeal the decision to the CDE and shall receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal.

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

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

RIGHTS OF HOMELESS YOUTH

CHILDREN IN HOMELESS SITUATIONS-42 U.S.C. 11432

La Mesa-Spring Valley School District has appointed a liaison for homeless children responsible for ensuring the dissemination of public notice of the educational rights of students in homeless situations.

- Liaison contact information: Jennifer Coronel, Director, Student Supports, Jennifer.coronel@lmsvschools.org, 619-668-5700
- Children and youth experiencing homelessness are defined as lacking a fixed, regular, and adequate nighttime residence. This definition also includes:
 - Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
 - Children and youths who may be living in motels, hotels, trailer parks, shelters
 - Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings
 - Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
 - Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above
- Right to immediate enrollment in school of origin or school where currently residing without proof of residency, immunization records or tuberculosis skin-test results, schools records, or legal guardianship papers;
- Right to education and other services including to participate fully in all school activities and programs for which child is eligible, to qualify automatically for school meal programs, to receive transportation services, and to contact liaison to resolve disputes that arise during enrollment;
- That no homeless youth shall be required to attend a separate school for homeless children or youth; and
- That homeless youth shall not be stigmatized by school personnel.

More information can be found online at www.lmsvschools.org.

HOMELESS YOUTH IN AFTER SCHOOL PROGRAMS-EC 8483.1

La Mesa-Spring Valley School District currently operates an afterschool program pursuant to the After School Education and Safety Program Act of 2002. LMSVSD provides priority enrollment to students as follows. First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11434a), at the time that they apply for enrollment or at any time during the school year, and to pupils who are identified by the program as being in foster care. For programs serving middle school pupils, the second priority shall go to pupils who attend daily. LMSV does not require pupils applying for or participating in the program to verify they are homeless or foster youth. Eligible students may receive priority through self-certification or through the district liaison for homeless children if LMSVSD maintains a waiver on file allowing for the release of this information.

RIGHTS OF FOSTER YOUTH

FOSTER YOUTH BILL OF RIGHTS-EC 48645.7, 4880 – 48853, 49069.5; 51225.1; 51225.2 Welfare and Institutions Code (WIC) 16001.9

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

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

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

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

A pupil in foster care may still be subject to expulsion under applicable law and board policy.

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

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

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

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

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

La Mesa-Spring Valley School District has designated Jennifer Coronel, Program Manager, Student Supports, as the educational liaison for pupils in foster care. The role of the educational liaison is advisory with respect to placement decisions and determination of school of origin and does not supersede the role of the parent or guardian retaining educational rights, a responsible adult appointed by the court, a surrogate parent, or a foster parent exercising their legal rights with respect to the education of the child in foster care. The educational liaison serves the following roles:

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

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

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

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

1. If the educational liaison, child in foster care, and educational rights holder agree it is in the best interest of the child to waive their right to attend the school of origin and attend the recommended school, the child in foster care shall immediately be enrolled within the recommended school.
2. The recommended school shall immediately enroll the child in foster care regardless of any outstanding fees, fines, textbooks, or money due to any previous schools of attendance or if the child in foster care is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including proof of immunization, proof of residency or other documentation.
3. Within two business days of the request for enrollment, the educational liaison for the new school shall contact the school last attended by the child in foster care to obtain all academic and other records. The last school attended by the child in foster care shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or money owed to the school last attended. The educational liaison for the school last attended shall provide a complete copy of their education record to the new school within two business days of receiving the request.

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

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

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

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

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

SECTION 504

DISABLED PUPILS-SECTION 504 OF THE REHABILITATION ACT OF 1973

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

- Name and contact information of LMSVSD's designated individual for implementing Section 504: Jennifer Coronel, Program Manager, Student Supports
- Screening and evaluation procedures used by LMSVSD when there is a reason to believe a student has a disability under Section 504: contact Jennifer Coronel (Jennifer.coronel@lmsvschools.org)
- A student has the right to a written accommodation plan if the student qualifies for services under Section 504.
- A student has the right to be educated with non-disabled students to the maximum extent appropriate based on the student's needs.
- A copy of the parents or guardians legal procedural safeguard can be obtained by: contacting Jennifer Coronel (Jennifer.coronel@lmsvschools.org)

SPECIAL EDUCATION (IDEA)

SPECIAL EDUCATION: CHILD FIND SYSTEM-IDEA; EC 56301

Federal and state law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years, including pupils that are migrant or homeless or wards of the state and children with disabilities attending private schools. Any parent suspecting a child has exceptional needs due to a disability may request an assessment for eligibility for special education services. La Mesa-Spring Valley School District's child find policy and procedures are available at www.lmsvschools.org.

SPECIAL EDUCATION: COMPLAINTS-EC 56500.2; 5 C.C.R. 3080

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

SPECIAL EDUCATION: DUE PROCESS HEARINGS-EC 56502

The State Superintendent is required to develop a model form to assist parents and guardians in filing requests for due process. Prior to filing for due process, LMSV encourages parents to contact the Director of Special Education, Eileen Cotter, for assistance. If after collaborating with the district, a parent elects to initiate due process relating to special education rights, please visit <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/> for the model form.

SPECIAL EDUCATION: INSPECTION OF RECORDS-EC 56043(n)

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

SPECIAL EDUCATION: NONPUBLIC, NONSECTARIAN SCHOOLS OR AGENCIES-EC 51225.2; 56365; 56366.1; 56366.4; 56366.10

NPSs/NPAs Training: The NPA or NPS is required to document the training of staff who will have contact or interaction with students during the school day in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS'/NPA's student population. The training must be provided within 30 days of enrollment for new staff, and annually to all staff who have contact with students during the school day. The training shall be selected and conducted by the NPS/NPA and must satisfy the following conditions:

1. Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught
2. Be taught in a manner consistent with the development and implementation of individualized education programs; and
3. Be consistent with the requirements of Education Code relating to pupil restraint and seclusion

The content of the training shall include, but is not limited to, all the following:

1. Positive behavioral intervention and support, including collection, analysis, and use of data to inform, plan and implement behavioral supports;
2. How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors; and
3. Evidence-based interventions for reducing and replacing challenging behaviors, including de-escalation techniques.

The LEA contracting with the NPS/NPA shall annually verify compliance with these training requirements and the NPS/NPA shall annually report to the California Department of Education ("CDE") this verification. Written records of the annual training shall be maintained and provided upon request.

NPS/NPA Administrator Credential/License: The NPS/NPA is required to document (in the application for certification with CDE) that the administrator of the NPS/NPA holds or is in the process of obtaining one of the following:

1. An administrative credential granted by an accredited post-secondary education institution and two years of experience with students with disabilities;
2. A pupil personnel services credential and authorizes school counseling or psychology;
3. A license as a clinical social worker issued by the Board of Behavioral Sciences;
4. A license in psychology regulated by the Board of Psychology;
5. A master's degree issued by an accredited post-secondary institution in education, special education, psychology, counseling, behavioral analysis, social work, behavioral science, or rehabilitation;
6. A credential authorizing special education instruction and at least two years of experience teaching in special education before becoming an administrator;
7. A license as a marriage and family therapist certified by the Board of Behavioral Sciences
8. A license as an educational psychologist issued by the Board of Behavioral Sciences; or
9. A license as a professional clinical counselor issued by the Board of Behavioral Sciences

NPS/NPA Notification of Law Enforcement Involvement: An NPS/NPA is required to notify the CDE and the LEA of any student-involved incident at the NPS/NPA in which law enforcement was contacted. This notification shall be provided in writing no later than one business day after the incident occurred.

NPS/NPAs Qualified Individual to Implement a Behavioral Intervention Plan ("BIP"): A NPS serving students with significant behavioral needs or who have a BIP must have an individual onsite during school hours who is qualified and responsible for the design, planning, and implementation of behavioral interventions to be certified by CDE.

Requirements for School Districts: For an NPS/NPA seeking initial certification, the school district is required to verify that the plan and timeline for the new training requirements are included in the master contract. For NPS/NPA's not in existence as of January 1 immediately preceding a school year, the contracting school district must verify that the new training requirements have complied with 30 days following the commencement of the school year. The school district is required to submit verification to the Superintendent at that time.

A school district that enters into a master contract with an NPS/NPA school shall conduct, at minimum, the following:

1. An onsite visit to the NPS/NPA before placement of a pupil if the school district does not have any pupils enrolled at the school at the time of placement
2. At least one onsite monitoring visit during each school year to the NPS/NPA at which the school district has a pupil attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to:
 - a. A review of services provided to the pupil through the individual service agreement between the school district and NPS/NPA;
 - b. A review of progress the pupil is making toward the goals set forth in the pupil's Individualized Education Program;
 - c. A review of progress the pupil is making toward the goals set forth in the pupil's BIP if the pupil has a BIP;
 - d. An observation of the pupil during instruction; and
 - e. A walkthrough of the facility
3. The school district shall report the findings resulting from the monitoring visit to CDE within 60 days of the onsite visit. On or before June 30, 2020, CDE, shall, with input from special education local plan area administrators, create and publish criteria for reporting this information to the department.

STUDENT FEES

PUPIL COLLECTION OF DEBT-EC 49014

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

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

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

PUPIL FEES-EC 49013

LMSVSD maintains a policy concerning the provision of free education to pupils and for filing a complaint of noncompliance pursuant to the Uniform Complaint Procedures with the principal of the school alleged to be in non-compliance. More information is available online at www.lmsvschools.org

UNIFORM COMPLAINT PROCEDURES

UNIFORM COMPLAINT PROCEDURES-5 C.C.R. 4622; EC 33315

LMSVSD has adopted Uniform Complaint Procedures. LMSVSD shall follow uniform complaint procedures when addressing complaints involving adult education programs, categorical aid programs, migrant child education, career technical education training programs, child care, and development programs, allegations of unlawful discrimination, harassment, intimidation, or bullying, lactation accommodations, non-compliance with school safety planning requirements, pupil fees, courses of study, instructional minutes for physical education, local control accountability plans, any deficiencies related to preschool health and safety issues for a California state preschool program, and matters pertaining to the right of foster youth, homeless youth, former juvenile court school pupils, and children of military families. Information regarding the Uniform Complaint Procedure, including the individual responsible for processing a Uniform Complaint, can be found online at www.lmsvschools.org.

Parents are encouraged to review civil law remedies available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3.

WILLIAMS COMPLAINT

WILLIAMS COMPLAINT POLICY AND PROCEDURES-EC 35186

LMSVSD has adopted a uniform complaint process to help identify and resolve deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. Notice of the complaint process and the location at which to obtain a complaint form is posted in all classrooms.

TITLE I

TITLE I-20 U.S.C. 6311

In a school designated at Title I, parents are permitted to request information regarding the professional qualifications of the student's classroom teachers, including the following:

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

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

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

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

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

BOARD POLICY 6020 – PARENT INVOLVEMENT

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

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

The district's local control and accountability plan (LCAP) shall include goals and strategies for parent/guardian involvement and family engagement, including district efforts to seek parent/guardian input in district and school site decision-making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities. (Education Code 42238.02, 52060)

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

Title I Schools

The Superintendent or designee shall involve parents/guardians and family members in establishing district expectations and objectives for meaningful parent/guardian and family engagement in schools supported by Title I funding, developing strategies that describe how the district will carry out each activity listed in 20 USC 6318, as contained in the accompanying administrative regulation, and implementing and evaluating such programs, activities, and procedures. As appropriate, the Superintendent or designee shall conduct outreach to all parents/guardians and family members. (Education Code 11503; 20 USC 6318)

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

Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following: (20 USC 6318)

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

If the district also receives funds under federal Title IV, Part E, to coordinate and enhance family engagement programs, the Superintendent or designee shall inform parents/guardians and organizations of the existence of Title IV. (20 USC 6318)

The district's Board policy and administrative regulation containing parent/guardian and family engagement strategies shall be incorporated into the district's LCAP in accordance with 20 USC 6312. (20 USC 6318)

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

District and school-level parent/guardian and family engagement policies and administrative regulations shall be distributed to parents/guardians of students participating in Title I programs and shall be available to the local community. Parents/guardians shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)

STUDENT ATTENDANCE

COMPULSORY EDUCATION (Residency Requirements – EC 48200, 48204, 48204.3, 48204.4, 48204.6, 48204.7)

Each person between the ages of 6 and 18 years (and not exempted) is subject to compulsory full-time education. Each person subject to compulsory full-time education and not exempted shall attend the public full-time day school or continuation school or classes and for the full time designated as the length of the school day by the governing board of the school district in which the residency of either the parent or legal guardian is located.

EXCUSED ABSENCES

GRADE REDUCTION/LOSS OF ACADEMIC CREDIT-EC 48980(j)

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

EXCUSED ABSENCE; JUSTIFIABLE PERSONAL REASONS; CREDIT (EC 48205);

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

- **Excused Absences:**

- a. Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
 - i. Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health. The state board shall update its illness verification regulations, as necessary, to account for including a pupil's absence for the benefit of the pupil's mental or behavioral health within the scope of this paragraph.
 - ii. Due to quarantine under the direction of a county or city health officer.
 - iii. For the purpose of having medical, dental, optometric, or chiropractic services rendered.
 - iv. For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

- v. For the purpose of jury duty in the manner provided for by law.
- vi. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
- vii. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- viii. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- ix. For the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in EC § 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district
- x. For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- xi. Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.
- b. A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- c. For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- d. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- e. "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

TRUANCY (EC 48264.5)

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

ABSENCES DUE TO RELIGIOUS EXERCISES OR INSTRUCTION

ABSENCE FOR RELIGIOUS INSTRUCTION - EC 46014

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

CONFIDENTIAL MEDICAL SERVICES

ABSENCE FOR CONFIDENTIAL MEDICAL SERVICES - EC 46010.1

Students in grades 7 to 8 may be excused for the purpose of obtaining confidential medical services without consent of the pupil's parent or guardian.

INDIVIDUAL INSTRUCTION FOR STUDENTS WITH TEMPORARY DISABILITIES

PUPILS WITH TEMPORARY DISABILITIES; INDIVIDUAL INSTRUCTION-EC 48206.3, 48207, 48207.3, 48207.5, 48208

Special individual instruction (as distinct from independent study) is available for students with temporary disabilities that make attendance at school impossible or inadvisable. Parents or guardians should first contact the principal to determine services. This individual instruction shall be received at home or in a hospital or other residential health facility, except a state hospital.

ENROLLMENT OPTIONS

RESIDENCY REQUIREMENTS FOR SCHOOL ATTENDANCE

RESIDENCY REQUIREMENTS - EC 48200, 48204, 48204.3, 48204.4, 48204.6, 48204.7

Notwithstanding EC 48200, a pupil may alternatively comply with the residency requirements for school attendance in a school district, if they meet any of the following:

1. A pupil who is placed within the boundaries of the school district in a foster home or licensed children's institution as defined in EC 56155.5 or a family home within the boundaries of the school district pursuant to a commitment or a placement under the Welfare and Institutions Code;
2. A pupil who is in foster care who remains in their school of origin.
3. A pupil for whom interdistrict transfer has been approved;
4. An emancipated pupil who resides within the boundaries of the school district;
5. A pupil who lives in the home of a care giving adult that is located within the boundaries of the school district;
6. A pupil residing in a state hospital located within the boundaries of the school district.
7. A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of their employment within the boundaries of the school district for a minimum of three days during the school week;
8. A school district shall allow a pupil who is a child of a military family to continue their education in the school of origin, regardless of any changes of residence of the military family during that school year, for the duration of the pupil's status as a child of a military family;
9. A school district shall allow a pupil who is a migratory child to continue attending their school of origin, or a school within the school district of origin regardless of any change of residence of the pupil; and
10. A pupil whose parent or parents were residents of this state and have departed California against their will, and if the pupil seeks admission to a school of a school district, shall be admitted, regardless of their current residency, provided the pupil has:
 - a. Official documentation evidencing the departure of their parent or legal guardian;
 - b. Moved outside of California as a result of their parent or legal guardian departing against their will and the pupil lived in California immediately before moving outside of California; and,
 - c. Provides documentation that the pupil was enrolled in a California public school immediately before moving outside of California.

Migratory students have the right to attend their school of origin in a similar manner to the rights provided to foster students and homeless students. Migratory students must be allowed to continue to attend their school of origin regardless of any subsequent change of residency so long as the student continues to be a student “who is a migratory child.” A student who is transitioning between grade levels must be allowed to continue to attend the school district of origin in the same attendance area. A student who is transitioning to middle or high school must be allowed to attend the school district or origin’s designated middle or high school even if the school is located within another school district. The enrolling school district is required to enroll the student even if the student has outstanding fees or items due to the last school district, or if the student is unable to produce enrollment records. If the receiving school has a uniform policy the student must immediately be enrolled even if the student does not have the appropriate school uniform clothes. If a migratory student loses their status during the school year, the student will be allowed to attend the school of origin of the remainder of the years for students in kindergarten through 8th grade. The school of origin is required to inform the student and their parents of the student’s eligibility to receive migrant education services.

Residency Investigations: The governing board of LMSVSD has adopted a board policy regarding the process it follows for conducting investigations to determine whether a pupil meets residency requirements for school attendance in the school district. A copy of the LMSVSD Board Policy 5111.1 is located at www.lmsvschools.org.

INTRADISTRICT TRANSFER

INTRADISTRICT CHOICE POLICY (EC 35160.5(b)):

Residents of the school district may apply to other schools within the school district for their child to attend on a space available basis. If you have questions about transfers, please contact Student Supports. (transfers@lmsvschools.org)

INTERDISTRICT TRANSFER PERMIT

INTERDISTRICT ATTENDANCE (EC 46600, et seq.):

The parent or guardian of a pupil may seek release from the home district to attend a school in any other school district. Each school district of resident and school district of proposed enrollment shall post on its Internet Web site the procedures and timelines, including a link to the policy of the governing board of the school district, regarding a request for an interdistrict transfer permit in a manner that is accessible to the public without a password. The information posted on the Internet Web site shall include, but need not be limited to, the following:

- The date upon which the school district will begin accepting and processing interdistrict transfer requests for the subsequent school year.
- The reasons for which the school district may approve or deny a request, and any information or documents that must be submitted as supporting evidence.
- If applicable, the process and timelines by which denial of a request may be appealed within the school district before the school district renders a final decision.
- That failure of the parent to meet any timelines established by the school district shall be deemed an abandonment of the request.
- Applicable timelines for processing a request, including statements that the school district shall do both of the following:
 - Notify a parent submitting a current year request, as defined in Section 46600.1, of its final decision within 30 calendar days from the date the request was received.
 - Notify a parent submitting a future year request, as defined in Section 46600.1, of its final decision as soon as possible, but not later than 14 calendar days after the commencement of instruction in the school year for which interdistrict transfer is sought.
- The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.

INVOLUNTARY TRANSFER

TRANSFER OF PUPILS CONVICTED OF VIOLENT FELONY OR MISDEMEANOR-EC 48929, 48980(m)

The governing board of LMSVSD has adopted a policy to allowing the governing board of LMSVSD to transfer students convicted of violent felonies or misdemeanors to other schools in the district if the pupil to be transferred and the victim of the crime for which the pupil was convicted are enrolled at the same school. A copy of LMSVSD Board Policy 5116.2 is available at www.lmsvschools.org

SCHOOL DISTRICT OF CHOICE

DISTRICT OF CHOICE (EC 48300, et seq.)

Some school districts may choose to become a district of choice: a district that accepts transfer students from outside the district under the terms of a resolution. A school board that decides to become a district of choice must determine the number of transfers it is willing to accept and make sure that students are selected through a random and unbiased process.

PERSISTENTLY DANGEROUS SCHOOL

UNSAFE SCHOOL CHOICE-5 C.C.R. 11993(k); 20 U.S.C. 7912

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

ALTERNATIVE SCHOOLS

NOTICE OF ALTERNATIVE SCHOOLS-EC 58501

“California State law authorizes all school districts to provide for alternative schools. The Education Code defines alternative school as a school or separate class group within a school, which is operated in a manner designed to:

- Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- Recognize that the best learning takes place when the student learns because of his desire to learn.
- Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may result in whole or in part from a presentation by his teachers of choices of learning projects.
- Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the *County Superintendent of Schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for your information.* This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district.”

A copy of the notice shall also be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit for the entire month of March in each year.

SPECIALIZED PROGRAMS / SCHOOLS

TRUST BLENDED LEARNING

Trust Blended Learning is an innovative and challenging independent study program that supports the needs of every child through an individualized pathway. Our unique atmosphere allows an innovative project-based method of instruction that matches with each child's unique interests, ability, and learning style. With a focus on personalization, achievement, and discovery we put students in an environment where they can learn, be successful, and naturally discover their true passions.

- Pathway 1: Blended Learning
 - Parent/guardian coaches the child and guides the learning
 - Blend of synchronous, asynchronous, and in-person learning
 - Required in-person learning two days a week
 - Synchronous learning 2-3 hours a day with a credentialed teacher 3 days a week
 - Project-based learning based on core curriculum
 - Daily school connectedness lessons
- Pathway 2: Home Independent Study
 - Parent/Guardian is the primary educator
 - Curriculum and materials supplied to parents from a credentialed teacher
 - Daily live school connectedness lesson
 - Optional in-person learning two days a week
 - Weekly live check-ins with each family

Students in both pathways have the opportunities for:

- Enrichment activities
- In-person tutoring
- School-wide activities
- Support for special education students
- Support for English learners
- Daily live check-ins

EXTENDED SCHOOL SERVICES (ESS)

The ESS program provides a safe, supervised setting for students with a wide range of creative, recreational, and educational opportunities that assist in the social, emotional, creative and physical development of our students. ESS is a self-supporting program that is governed and regulated by the La Mesa-Spring Valley School District, Department of ESS. The ESS program provides before-and after-school supervision for Transitional Kindergarten (TK) through eighth-grade students. The program operates at each school from 6:00 a.m. to 6:00 p.m. year round, except major holidays and some school breaks. Daily activities at ESS include homework/enrichment, sports, crafts, technology, and playground time. Throughout the year, children are offered opportunities to participate in areas that focus on academics, fine and performing arts, and athletics.

The fee during the academic year is \$90 per week for the first child and \$81 per week for each older sibling. ESS also offers an AM only program for \$45 per week and a PM only program for \$66 per week during the academic school year. There are no sibling discounts for these two programs. The break time fee is \$150 per week for the first (youngest) child and \$135 for each additional (older) child. Break time fees include all field trip costs, lunch and/or snacks, and one ESS T-shirt.

Families are required to pre-register and pre-pay for ESS. ESS accepts Visa, MasterCard, Discover, and debit cards online and by phone. The weekly fee is a flat rate regardless of the number of hours or days the child attends the program. ESS accepts the following programs: CDA, SD County Programs, RESPITE, and YMCA. Families pay an annual registration fee of \$40 for one child and \$60 for two or more children. To register visit lmsvschools.ce.eleyo.com. For additional information, call the ESS Department at (619) 644-3800 or visit their website at www.lmsvschools.org/ess/.

CURRICULUM AND INSTRUCTION

STATEWIDE TESTING

CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS-EC 52052, 60640

The California Assessment of Student Performance and Progress ("CAASPP") System was established on June 1, 2014. Commencing with the 2014-2015 school year, the CAASPP System includes Smarter Balanced Summative assessments in English Language Arts and Math in grades three through eight and California Alternate Assessments ("CAA") in English Language Arts and Math in grades three through eight for students with significant cognitive disabilities. The California Science Test ("CAST") is required for all students in grades five and eight unless the student's IEP indicates administration of the CAA. LMSVSD may administer a standards-based test in Spanish for reading/language arts in grades three through six for students in a dual immersion program. A parent or guardian may make a written request to excuse his or her child from any or all parts of the assessment.

CALIFORNIA HEALTHY YOUTH ACT

CALIFORNIA HEALTHY YOUTH ACT-EC 51934, 51938

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

LMSVSD plans to provide comprehensive sexual health education and/or HIV prevention education during the 2022-2023 school year. The instruction shall include, among other things, information about sexual harassment, sexual abuse, and human trafficking. Information on human trafficking shall include both of the following:

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

Students will be taught by district personnel. LMSVSD will provide notice to parents no fewer than 14 days before the instruction is delivered by mail or another form of communication.

The instruction shall include information regarding sexual harassment, sexual abuse, and human trafficking. The notice shall advise the parent or guardian as follows:

1. Written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection.
2. Whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultants, and may hold an assembly to deliver comprehensive sexual health education or HIV prevention education by guest speakers, but if it elects to provide comprehensive sexual health education or HIV prevention education in either of these manners, the notice shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of the parent or guardian to request a copy of the California Healthy Youth Act. Notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered.
3. The parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education, and that in order to excuse their child, they must state their request in writing to the site administrator.

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

LMSVSD may administer for pupils in grades 7 to 8 inclusive, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex. A parent or guardian may excuse their child from the test, questionnaire, or survey by opting out of their student's participation in the tests, questionnaires or surveys. An opt-out form is provided within these notifications. Parents or guardians have a right review the test, questionnaire, or survey if they wish.

The excused pupil shall not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.

While comprehensive sexual health education, HIV prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey. More information can be found online at www.lmsvschools.org.

SURVEYS-EC 51513; 20 U.S.C. 1232h

LMSVSD will notify parents or guardians of the need for their written permission before any test, questionnaire, survey or examination containing any questions about their child's personal beliefs or practices (or the pupil's family's beliefs or practices) in sex, family life, morality and religion, may be administered to any pupil in kindergarten, or grades 1-8, inclusive.

Notification will include specific or approximate dates of when any survey containing sensitive, personal information is to be administered and provide an opportunity for parents to opt pupils out of participating in the survey. Upon request, parents or guardians will be given the opportunity to inspect any third-party survey.

Per EC 51514, any school district which administers a voluntary survey that currently includes questions pertaining to sexual orientation and gender identity shall not remove those questions from subsequent administrations of the survey.

HARMFUL OR DESTRUCTIVE USE OF ANIMALS

RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS-EC 32255-32255.6

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

COURSE PROSPECTUS

AVAILABILITY OF PROSPECTUS-EC 49091.14

If requested, the La Mesa-Spring Valley School District will provide a prospectus of the curriculum for any of the schools within the District, which includes titles, descriptions and instructional goals for each course offered by the school. Please contact the Learning Support Department at 619-668-5700 for a copy of the prospectus.

PACE PROGRAM

LMSVSD's written plan for its PACE program includes procedures to inform parents or guardians of their pupil's participation or non-participation in the PACE program. The written plan is available at www.lmsvschools.org

NOTIFICATION OF MINIMUM DAYS AND PUPIL FREE STAFF DEVELOPMENT DAY - EC 48980(c)

A schedule of minimum days and pupil-free staff development days will be made available online at www.lmsvschools.org at the beginning of the school year or as early as possible, but no later than one month prior to the scheduled minimum or pupil-free day.

ACCEPTABLE USE OF TECHNOLOGY

LMSVSD policy on the acceptable use of technology on school campuses and access by pupils to the Internet and on-line sites is available at www.lmsvschools.org.

PROMOTION, ACCELERATION, AND RETENTION

ADMINISTRATIVE REGULATION 5123: PROMOTION/ACCELERATION/RETENTION

Acceleration from Kindergarten to First Grade

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (Education Code 48011; 5 CCR 200)

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

Continuation in Kindergarten

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

Retention at Other Grade Levels

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

(Education Code 48070.5)

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

Appeal Process

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's decision shall be final.

If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

STUDENT RECORDS

MAINTENANCE OF STUDENT RECORDS

MAINTENANCE OF STUDENT RECORDS

Student records identified as mandatory permanent student records shall be kept indefinitely (5CCR 432,437). Mandatory interim student records, unless forwarded to another school district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district (Education Code 48918; 5 CCR 432, 437, 16027). Permitted student records may be destroyed six months after a student completes or withdraws from the educational program and their usefulness ceases (5 CCR 432, 437).

MARKETING: DISCLOSURE OF STUDENT INFORMATION-20 U.S.C. 1232g

LMSVSD makes student directory information available in accordance with state and federal laws. This means that each student's name, birthday, address, telephone number, major course of study, participation in school activities, dates of attendance, awards, and the previous school attendance may be released to agencies such as the local PTA or Parent Club, or the military services. If you do not wish this information released, please sign and return Release of Directory Information form provided with this notification; the form is also available in the parent portal.

ACCESS TO STUDENT RECORDS

ACCESS BY MILITARY RECRUITERS-20 U.S.C. 7908

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

MEDICAL RECORD SHARING-HSC 120440

Medical information may be shared with local health departments and the State Department of Public Health or immunization registry with which the school will share the information. Any information shared shall be treated as confidential medical information. The student or parent or guardian has the right to examine any immunization-related information shared in this manner and to correct any errors in it; and the student or parent or guardian may refuse to allow this information to be shared in the manner described, or to receive immunization reminder notifications at any time, or both. More information regarding medical record sharing including information regarding the immunization registry with which the information may be shared may be found online at www.lmsvschools.org.

DIRECTORY INFORMATION

DIRECTORY INFORMATION-EC 49073

"Directory Information" includes one or more of the following items: student's name, address, telephone number, email address, date of birth, major field of study, dates of attendance, degrees and awards received, and the most recent public or private school attended by the student. LMSVSD has determined that the following individuals, officials, or organizations may receive directory information:

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

- Outside governmental agencies

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

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

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

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

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

CHALLENGING CONTENT OF STUDENT RECORDS

ADMINISTRATIVE REGULATION 5125.3 CHALLENGING STUDENT RECORDS

At the beginning of each school year or, for a student enrolled after the beginning of the school year, at the time of enrollment, parents/guardians shall be notified of the availability of the following procedures for challenging the contents of student records. Any student who is 18 years of age or attends a postsecondary institution shall have the sole right to challenge the contents of his/her records in accordance with the following procedures. (Education Code 49061, 49063)

Procedures for Challenging Records

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070; 34 CFR 99.20)

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

Within 30 days of receiving a request to correct or remove any information from a record, the Superintendent or designee shall meet with the parent/guardian and the district employee who recorded that information, if he/she is presently employed by the district. (Education Code 49070)

If the challenge involves a student's grade, the teacher who gave the grade shall be given an opportunity to state, orally and/or in writing, the reasons for which the grade was given. Insofar as practicable, the teacher shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith, or incompetency, a student's grade as determined by the teacher shall be final. (Education Code 49066)

Resolution of Challenge/Appeals

After considering all relevant information, the Superintendent or designee shall sustain or deny the parent/guardian's allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent or designee shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent or designee denies the allegations, the parent/guardian may, within 30 days, appeal the decision in writing to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the district employee who recorded the information, if he/she is presently employed by the district. The Board shall then decide whether to sustain or deny the allegations. The decision of the Board shall be final. (Education Code 49070)

If the Board sustains any or all of the allegations, the Superintendent or designee shall immediately order the correction or removal and destruction of the pertinent information from the student's records and shall inform the parent/guardian in writing that the information has been corrected or destroyed. (Education Code 49070)

If the parent/guardian does not file an appeal, or if the appeal is denied by the Board, the parent/guardian shall be informed of his/her right to submit a written objection to the information. Any statement submitted by the parent/guardian shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the related part of the record is disclosed. (Education Code 49070; 34 CFR 99.21)

Hearing Panel

The Superintendent or designee and/or the Board may appoint a hearing panel to assist in making determinations regarding a challenge to student records or an appeal, as applicable, provided that the parent/guardian gives written consent to releasing relevant student record information to the panel members. Such a hearing panel shall consist of the following persons: (Education Code 49071)

1. A chairperson who is a principal of a public school other than the school at which the record is on file
2. A certificated employee appointed by the district's certificated employee council or, if no such council exists, by a parent/guardian
3. A parent/guardian appointed by the Superintendent or designee or the Board, whoever convenes the panel

If possible, the members of the hearing panel shall not be acquainted with the student, his/her parent/guardian, or the employee who recorded the information, except when the parent/guardian appoints the certificated employee pursuant to item #2 above. (Education Code 49071)

The panel shall be provided with verbatim copies of the information that is the subject of the controversy. The panel shall, in closed session, hear the parent/guardian's objections to the student record and, if the employee is presently employed by the district, the employee's testimony. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities. The panel shall submit, to the Superintendent or designee or the Board as applicable, its written findings setting forth the facts and decisions of the panel. (Education Code 49071)

U.S. DEPARTMENT OF EDUCATION FAMILY EDUCATIONAL RIGHTS & PRIVACY

PUPIL RECORDS; NOTIFICATION OF RIGHTS-20 U.S.C. 1232g; EC 49063, 49068, 49069.7, 49073

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

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

Further, parents, or an eligible student, are hereby informed of the following rights pertaining to student records:

1. The types of records and the information contained therein which are directly related to the student and maintained by the institution;
2. The position of the official responsible for the maintenance of each type of record.
3. The location of the log or record required to be maintained pursuant to Section 49064.
4. The criteria to be used by the school district in defining "school officials and employees" and in determining "legitimate educational interest" as used in EC 49064 and EC 49076(a)(1).
5. The policies of the institution for reviewing and expunging those records.
6. The procedures for challenging the content of pupil records.
7. The cost, if any, that will be charged to the parent for reproducing copies of records.
8. Their right to review individual records by making a written request for the same;
9. The school district must respond to a pupil record request by providing access no later than five business days following the date of request;
10. Availability of qualified personnel to interpret records, if requested;
11. Procedures for challenging content of pupil records;
12. In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page;
13. District policies and procedures relating to: location of records, if not centrally located; position of official responsible for maintenance of records; access by other persons; policy for review and expunging of records;
14. Categories of information designated as directory information pursuant to EC 49073;
15. When a student moves to a new district, records will be forwarded upon the request of the new school district within 10 school days. At the time of transfer the parent (or eligible student) may review, receive a copy (at a reasonable fee), and/or challenge the records; and
16. Their right to file a complaint with the Family Policy Compliance Office in the U.S. Department of Education if they believe the school district is not in compliance with federal regulations regarding privacy.

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

"Student Records" do not include:

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

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

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

HEALTH AND WELLNESS

IMMUNIZATIONS

IMMUNIZATION AND COMMUNICABLE DISEASES-EC 48216, 49403

LMSVSD shall follow all laws, rules, and regulations regarding immunizations required for students to enroll. LMSVSD shall not admit any student until the student is properly immunized as required by law. If there is good cause to believe a student has been exposed to a disease and his or her proof of immunization does not show proof of immunization against that disease, LMSVSD may temporarily exclude the child from school until the local health officer is satisfied that the child is no longer at risk of developing or transmitting the disease.

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

- A medical exemption is submitted electronically by a California-licensed physician on the California Department of Public Health's (CDPH) California Immunization Registry (CAIR) website. It includes, but is not limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary. (Health and Safety Code 120372)

- The student's parent/guardian filed with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to the student's personal beliefs, in which case the student shall be exempted from the immunization until the student enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-8). (Health and Safety Code 120335)
- The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction. (Health and Safety Code 120335)

Requirement by Schools to Submit Annual Reports on Immunization Status to the State

The governing board of a school district must file a written report on the immunization status of new students to the school with the State Department of Public Health and the local health department at times and on forms prescribed by the State Department of Public Health. These reports are required to be filed on at least an annual basis.

State's Review of Medical Exemptions

Requires the State Department of Public Health to annually review immunization reports from schools to identify schools with an overall immunization rate of less than 95%, physicians and surgeons who submitted 5 or more medical exemption forms in one calendar year, and schools and institutions that do not report immunization rates to the department. A clinically trained department staff member who is a physician and surgeon or registered nurse is required to review all medical exemption forms submitted meeting those conditions. Medical exemptions issued prior to January 1, 2020, will not be revoked unless the exemption was issued by a physician or surgeon that has been subject to disciplinary action by the Medical Board of California or the Osteopathic Medical Board of California.

Appeal Rights

A parent or guardian may appeal a medical exemption denial or revocation to the Secretary of California Health and Human Services. The appeal is to be conducted by an independent expert review panel of licensed physicians and surgeons, who are required to evaluate appeals consistent with specified guidelines and to submit its decision to the Secretary. The Secretary is required to adopt the determination of the independent expert review panel and promptly issue a written decision to the child's parent or guardian. This final decision is not subject to further administrative review. The student who is appealing a medical exemption revocation may continue school attendance without being required to commence the immunization schedule required for conditional admittance, so long as the appeal is filed within 30 calendar days of the revocation.

TYPE 2 DIABETES

Type 2 diabetes is the most common form of diabetes in adults.

- Until a few years ago, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens.
- According to the U.S. Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in his or her lifetime.

Type 2 diabetes affects the way the body is able to use sugar (glucose) for energy.

- The body turns the carbohydrates in food into glucose, the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood to the cells.
- In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise.
- Over time, glucose reaches dangerously high levels in the blood, which is called hyperglycemia.
- Hyperglycemia can lead to health problems like heart disease, blindness, and kidney failure.

Risk Factors Associated with Type 2 Diabetes: It is recommended that students displaying or possibly experiencing the risk factors and warning signs associated with type 2 diabetes be screened (tested) for the disease.

Risk Factors: Researchers do not completely understand why some people develop type 2 diabetes and others do not; however, the following risk factors are associated with an increased risk of type 2 diabetes in children:

- **Being overweight.** The single greatest risk factor for type 2 diabetes in children is excess weight. In the U.S., almost one out of every five children is overweight. The chances are more than double that an overweight child will develop diabetes.
- **Family history of diabetes.** Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.
- **Inactivity.** Being inactive further reduces the body's ability to respond to insulin.
- **Specific racial/ethnic groups.** Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.
- **Puberty.** Young people in puberty are more likely to develop type 2 diabetes than younger children, probably because of normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and physical development.

Warning Signs and Symptoms Associated with Type 2 Diabetes: Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance or type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes.

- Increased hunger, even after eating
- Unexplained weight loss
- Increased thirst, dry mouth, and frequent urination
- Feeling very tired
- Blurred vision
- Slow healing of sores or cuts
- Dark velvety or ridged patches of skin, especially on the back of the neck or under the arms
- Irregular periods, no periods, and/or excess facial and body hair growth in girls
- High blood pressure or abnormal blood fats levels

Type 2 Diabetes Prevention Methods and Treatments: Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal weight and normal blood glucose levels.

- **Eat healthy foods.** Make wise food choices. Eat foods low in fat and calories.
- **Get more physical activity.** Increase physical activity to at least 60 minutes every day.
- **Take medication.** If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.

The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can also request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (a condition which may lead to type 2 diabetes).

Types of Diabetes Screening Tests That Are Available:

- **Glycated hemoglobin (A1C) test.** A blood test measures the average blood sugar level over two to three months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
- **Random (non-fasting) blood sugar test.** A blood sample is taken at a random time. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes. This test must be confirmed with a fasting blood glucose test.
- **Fasting blood sugar test.** A blood sample is taken after an overnight fast. A fasting blood sugar level less than 100 mg/dL is normal. A level of 100 to 125 mg/dL is considered pre-diabetes. A level of 126 mg/dL or higher on two separate tests indicates diabetes.
- **Oral glucose tolerance test.** A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

Type 2 diabetes in children is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Contact your student's school nurse, school administrator, or health care provider if you have questions.

ORAL HEALTH ASSESSMENT

PUPIL HEALTH-ORAL HEALTH ASSESSMENT-EC 49452.8

By May 31 of the school year, pupils when first enrolled in public school are required to provide proof of an oral health assessment (conducted within 12 months before enrollment) by a licensed dentist or other licensed or registered dental health professional or provide written notice why an oral health assessment by a licensed dentist or other registered dental health professional cannot be completed.

ENTRANCE HEALTH SCREENING

CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM-HSC 124085, 124105

Before a child enters first grade, his or her parents must obtain a waiver or health screening for the child and complete the provided certificate or sign a waiver. The screening should take place before (within the prior 6 months) or during the kindergarten year. Parents are encouraged to obtain health screening simultaneously with required immunizations. Parents may inquire in the school office about free health screenings for low-income children provided under the Child Health and Disabilities Prevention Program.

A first-grade pupil who has not provided either a certificate or a waiver on or before the 90th day after the pupil's entrance into the first grade must be excluded from school for up to five days based on the failure to comply or sign a waiver. School districts may exempt any pupil from the exclusion if, at least twice between the first day and the 90th day after the pupil's entrance into the first grade, the school has contacted the pupil's parent or guardian and the parent or guardian refuses to provide either a certificate or a waiver as specified in Section 124085. Parents or guardians are entitled to notification of the availability of free health screenings through the local health department.

PHYSICAL EXAMINATIONS

PHYSICAL EXAMINATION; PARENT REFUSAL TO CONSENT-EC 49451

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

Whenever there is good reason to believe the child is suffering from a recognized contagious or infectious disease, the child will be excluded from school attendance and is not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. The notifications should include approximate dates during the school year when any non-emergency, physical examination or screening is scheduled, or expected to be scheduled, that is 1) required as a condition of attendance; 2) administered by the school; and 3) is not necessary to protect the immediate health and safety of the pupil or other pupils.

Education Code section 49455 requires a pupil's vision to be appraised by the school nurse or other authorized person during kindergarten or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, unless a pupil's first entry or enrollment occurs in grade 4 or 7.

I understand that district staff may share my child's health information with appropriate members of the educational team for use in meeting the health and educational needs of the student. This will be done only on a "need to know" basis, in a confidential manner. I understand that if I do not want this information shared, I must request this in writing and file it with a District Nurse at the La Mesa-Spring Valley School District Education Center. I give consent for La Mesa-Spring Valley School District to submit information to the LEA billing option vendor regarding school health services provided to my child for the purpose of receiving federal reimbursement. This reimbursement helps to defray the cost of providing these health services. All information is kept confidential.

PRESCRIPTION MEDICATION

MEDICATION AND SELF-ADMINISTRATION OF ASTHMA MEDICATION-EC 49423, 4923.1

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

School districts must accept a written statement provided by a physician or surgeon permitting a student to self-administer asthma medication. The written statement shall detail the following:

1. The name, method, amount, and time schedules by which the medication is to be taken
2. A confirmation that the student can self-administer inhaled asthma medication
3. A written statement from the parent, foster parent, or guardian consenting to the self-administration
4. A release for the school nurse or other designated school personnel to consult with the healthcare provider of the student regarding any questions that may arise about the medication
5. A release from civil liability for the school district and school personnel if the student suffers an adverse reaction by taking the medication

The statement from the student's physician or surgeon may be one who is contracted with a prepaid health plan operating in Mexico, provided the statement is in both English and Spanish. A school nurse or other designated school personnel will not be subject to professional review, liable in a civil action or subject to criminal prosecution for acts or omissions relating to the student self-administering the medication in accordance with physician's written statement. Furthermore, a school

district will not be subject to civil liabilities if the student suffers an adverse reaction self-administering the asthma medication in accordance with the written statement from the physician.

CONTINUING MEDICATION REGIMEN-EC 49480

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

MEDICAL AND HOSPITAL SERVICES FOR PUPILS-EC 49471, 49472

La Mesa-Spring Valley School District does not provide medical, accident or dental insurance for pupils injured on school premises or during school activities; however, the District does offer an optional pupil medical or hospital insurance to parents wishing to purchase coverage for injuries arising from school programs or activities. Information regarding the coverage offered will be sent home with each pupil at the beginning of the school year.

Some pupils may qualify to enroll in Covered California. **Covered California** is a no-cost or low-cost health insurance program. For information on health care coverage options and enrollment assistance, contact www.coveredca.com or call 1-800-300-1506.

ACCESS TO STUDENT MENTAL HEALTH SERVICES

ACCESS TO STUDENT MENTAL HEALTH SERVICES-EC 49428

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

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

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

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

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

PUPIL SUICIDE PREVENTION POLICIES-EC 215

Before the beginning of the 2020-21 school year, the governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 6 shall adopt a policy on pupil suicide prevention for the above grade levels. The age appropriate policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professionals, and suicide prevention experts. The policy shall also, at minimum, address procedures relating to suicide prevention, intervention, and postvention.

The policy should address needs of high-risk student groups. The definition of high-risk groups includes (but not be limited to):

- Students bereaved by suicide
- Students with disabilities, mental health disorders, or substance abuse disorders
- Homeless youth or in out-of-home settings, such as foster care.
- LGBTQ students

WELLNESS POLICY

TOBACCO-FREE CAMPUS-HSC 104420, 104495

LMSVSD receives Tobacco Use Prevention funding to adopt and enforce a tobacco-free campus policy. Information about the policy and enforcement procedures may be found online at www.lmsvschools.org. Health and Safety Code section 104495 prohibits smoking and use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground. The prohibition does not apply to a public sidewalk located within 25 feet of a playground.

LOCAL SCHOOL WELLNESS POLICY-EC 49432

The local school wellness policy for each LMSVSD school is available at www.lmsvschools.org. In addition, a summary of the nutrition and physical activity laws and regulations applicable to LMSVSD schools is available at www.lmsvschools.org

SCHOOL MEAL PROGRAM

PUPIL NUTRITION-EC 49510-49520; 49564-49564.5, 49557.5

All students attending La Mesa-Spring Valley Schools will be able to receive a free nutritious breakfast and lunch through the California Universal Meals Act at their school. A la carte items such as juice, milk and a second entrée can be purchased with cash or by utilizing the online payment option located at www.lmsvschools.org, Child Nutrition page. All school meals meet and exceed the USDA requirements recommended for fat, trans fat, calories, and salt. Special meal accommodations can be requested by emailing Melinda.Murphy@lmsvschools.org.

PESTICIDE PRODUCTS

USE OF PESTICIDES-EC 17612, 48980.3

Pesticides -Pesticide Products- Healthy Schools Act-EC 17612, 48980.3, EC 48980.3, 17612:

The District selects and uses the least hazardous methods and materials available to control pests/weeds. Furthermore, pesticides are used only on an as-needed basis and through precision targeting to areas not contacted by students and/or staff. If it is necessary to use a pesticide, parents and staff will be informed 72 hours in advance of use through the school newsletter, flyer, or notice posted at the site. The Healthy Schools Act of 2001 requires the District to provide information with regard to the use of pesticides. Products we expect to use this year will include Ranger Pro-with Glyphosate for weeds, JT Eaton apple bait block, Rodenticide for rodents with Dipahcinore, Max Force Gel Bait with Fipronil and Max Force Granular with Hydramethylnon, Phantom Termiticide with Chlorfenapyr, Wisdom TC Flowable with Bifenthrin for ants and roaches. Wasp Freeze with d-trans Allethrin-Phenothrin, Alpine Dust insecticide with Diatomaceous Earth for bees, Gentrol-insect growth regulator with Hydroxyurea for insects. Altosid-larvicide with Methoprene for mosquitoes, PT Alpine pressurized insecticide with Methyl for Flea, Bed Bugs and Ticks. Pyrethrin Fogger with Piperonyl Butoxide for Insects. Advion insect granules with Methyl for mosquitos. All chemicals have a CAUTION signal word.

Persons wishing to be notified in advance of individual pesticide applications may register with the District for that purpose. To register, contact: Daniel.Bradley@lmsvschools.org. Additional information on pesticides is made available by the Department of Pesticide Regulation at www.cdpr.ca.gov.

LMSVSD has developed an integrated pest management plan to provide a safe and low-risk approach to manage pest problems while protecting the environment, people and property. LMSVSD's integrated pest management plan can be found on www.lmsvschools.org and parents or guardians may also view the integrated pest management plan at the Facilities Office at the Operations Center during normal business hours.

ASBESTOS MANAGEMENT PLAN

ASBESTOS-40 C.F.R. 763.93

LMSVSD has a current management plan for asbestos containing materials for all district portables. The plan is available for inspection at the Operations Center or in the main office at any of our schools during normal business hours.

SCHOOL SAFETY

DRESS CODE

DRESS CODE/GANG APPAREL-EC 35183

Students are expected to come to school appropriately dressed. Students failing to dress appropriately will be asked to change. LMSVSD's dress code is available online at www.lmsvschools.org.

SUN PROTECTIVE CLOTHING/USE OF SUNSCREEN-EC 35183.5

LMSVSD allows for outdoor use of sun-protective clothing and the use of sunscreen by students during the day. More information is available online at www.lmsvschools.org.

FINGERPRINTING PROGRAM

FINGERPRINTING PROGRAM-EC 32390 (R.C.)

LMSVSD does not offer a voluntary fingerprinting program. Fingerprinting requires written parental consent as well as payment by the parent or guardian of any applicable fees.

SCHOOL BUS SAFETY

SCHOOL BUS AND PASSENGER SAFETY-EC 39831.5

Bus safety regulations, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops, can be found online at www.lmsvschools.org

EMPLOYEE INTERACTION WITH STUDENTS

TEACHER QUALIFICATIONS

Parents or guardian of all pupils may request specified professional qualifications of the student's classroom teacher(s) and assigned paraprofessional(s).

EMPLOYEE INTERACTIONS WITH PUPILS-EC 44050

La Mesa-Spring Valley School District Board Policies 4119.21/4219.21/4319.21 detail the professional standards to which all District employees are held. This information may also be accessed at www.lmsvschools.org

DUTY CONCERNING CONDUCT OF PUPILS-EC 44807

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

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

COMPREHENSIVE SCHOOL SAFETY PLAN-EC 32286, 32288

Each school is required to develop a school safety plan, which includes a comprehensive disaster preparedness plan. Copies of the school safety plan are available to read at the La Mesa-Spring Valley School District office, 4750 Date Ave., La Mesa, CA 91942, during normal business hours.

CHILD ABUSE AND NEGLECT REPORTING

PUPIL SAFETY: HUMAN TRAFFICKING PREVENTION RESOURCES-EC 49381

The governing board of LMSVSD will work with their schools that maintain any grades 6 to 8, inclusive, to identify the most appropriate methods of informing parents and guardians of pupils in those grades of human trafficking prevention resources and to implement the identified methods in those schools by January 1, 2020.

CHILD ABUSE AND NEGLECT REPORTING-PENAL CODE 11164

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

SEX OFFENDER NOTIFICATION

MEGAN'S LAW-PENAL CODE-290

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

STUDENT DISCIPLINE

GROUND FORS SUSPENSION AND EXPULSION

RULES AND PROCEDURES ON SCHOOL DISCIPLINE-EC 35291

Suspension-EC 48900

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

- A) (1) Caused, attempted to cause or threatened to cause physical injury to another person; (2) Willfully used force or violence upon the person of another, except in self-defense.
- B) Possessed, sold or otherwise furnished a firearm, knife, explosive or other dangerous object, unless in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or designee of the principal.
- C) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- D) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage or intoxicant.
- E) Committed or attempted to commit robbery or extortion.
- F) Caused or attempted to cause damage to school property or private property.
- G) Stole or attempted to steal school property or private property.
- H) Possessed or used tobacco, or products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- I) Committed an obscene act or engaged in habitual profanity or vulgarity.
- J) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- K) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (2) Except as provided in Section 48910, commencing July 1, 2020, a pupil enrolled in kindergarten or any of grades 1 to 8, inclusive, shall not be suspended for any of the acts specified in paragraph (1), and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 8, inclusive, to be recommended for expulsion
- L) Knowingly received stolen school property or private property.
- M) Possessed an imitation firearm. As used in this section "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- N) Committed or attempted to commit sexual assault as defined in Section 261, 266c, 286, 287, 288, or 289 of, or former Section 288a of, the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- O) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- P) Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma.
- Q) Engaged in, or attempted to engage in hazing. For purposes of this subdivision, "hazing" is any method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events
- R) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
 - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
 - a) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
 - b) Causing a reasonable pupil to experience substantially detrimental effect on the pupil's physical or mental health.
 - c) Causing a reasonable pupil to experience substantial interference with the pupil's academic performance.
 - d) Causing a reasonable pupil to experience substantial interference with the pupil's ability to participate in or benefit from the services, activities, or privileges provided by a school.
 - 2) (A) "Electronic act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, pager, of a communication including, but not limited to, any of the following:
 - a) A message, text, sound, video, or image.
 - b) A post on a social network Internet website, including but not limited to: a) Posting to or creating a burn page. "Burn page" means an Internet website created for the purpose of having one or more of the effects listed in paragraph (i); b) creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (i). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purposes of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated; c) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (i). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - c) An act of cyber sexual bullying. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (1)-(4), inclusive of paragraph (i). A photograph or other visual recording, as described in this subclause, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording, or other electronic act. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned events.
 - 3) (B) Notwithstanding paragraph (i) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the internet or is currently posted on the internet.
 - a) "Reasonable pupil" means a pupil, including, but not limited to, a pupil with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of that age, or for a person of that age with the pupil's exceptional needs.
- S) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for the acts that are enumerated in this section and related to school activity or attendance that occur at any time, including but not limited to, any of the following:
 - 1) While on school grounds;
 - 2) While going to or coming from school;
 - 3) During the lunch period whether on or off the campus;
 - 4) During, or while going to or coming from, a school sponsored activity.

- T) A pupil who aides or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- U) As used in this section, "school property" includes, but is not limited to electronic files and databases.
- V) For a pupil subject to discipline under this section, a superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age appropriate and designed to address and correct the pupil's misbehavior as specified in Section 48900.5.
- W) (1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities. (2) It is further the intent of the Legislature that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

Expulsion

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

PUPIL DISCIPLINE: SUSPENSIONS: WILLFUL DEFIANCE-EC 48901.1;48900

School districts may not suspend a student for disrupting school activities or otherwise willfully defying the valid authority of school personnel engaged in the performance of their duties for grades 1 to 8, inclusive. Recommendations for expulsion of a student for these acts is prohibited for students enrolled in any grade.

HATE VIOLENCE-EC 48900.3

A pupil in any of grades 4 to 8, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, or threatened to cause, or participated in an act of, hate violence, as defined in EC 233(e).

HARASSMENT, INTIMIDATION OR THREATS-EC 48900.4

A pupil enrolled in any of grades 4 to 8, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

TERRORISTIC THREATS AGAINST SCHOOL OFFICIALS, SCHOOL PROPERTY, OR BOTH-EC 48900.7

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

LIABILITY OF PARENT OR GUARDIAN FOR WILLFUL PUPIL MISCONDUCT-EC 48904

The parent or guardian of any minor may be held financially liable for the pupil's willful misconduct which results in injury or death to any pupil or person employed or volunteering for LMSVSD or injury to real or personal property belonging to LMSVSD or an LMSVSD employee. The parent or guardian of a minor shall be liable to LMSVSD for all property belonging to LMSVSD loaned to the minor and not returned upon demand of an employee of LMSVSD authorized to make the demand. LMSVSD shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma or transcript pursuant to this Section.

DANGEROUS OBJECTS-PENAL CODE 417.27

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

REQUIRED PARENT ATTENDANCE

PARENT ATTENDANCE OF SUSPENDED STUDENTS DURING SCHOOL DAY-EC 48900.1

Pursuant to board policy 5144.4, a teacher may require a parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for either committing an obscene act, engaging in habitual profanity or vulgarity or disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties, to attend a portion of a school day in the classroom of his or her child or ward.

SUSPENSION FROM SCHOOL

SUSPENSION/EXPULSION: ALTERNATIVE AND OTHER MEANS OF CORRECTION- EC 48900, 48900.5, 48911

Generally, suspension shall be imposed only when other means of correction fail to bring about proper conduct. LMSVSD may document other means of correction short of suspension and expulsion and place the documentation in the pupil's record. Other means of correction may include, but is not limited to: a conference between school personnel, the pupil's parent or guardian and the pupil; referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling; study teams, guidance teams or other intervention-related teams that assess behavior and develop and implement behavior plans; referral for psycho-social or psycho-educational assessment; participation in a restorative justice program; after-school programs that address specific behavioral issues; and community service on school grounds during non-school hours. A pupil may be suspended, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons. A suspension shall be preceded by an informal conference between the principal, the principal's designee or the district's superintendent of schools and the pupil, and whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At this conference, the pupil shall be informed of the reason for the disciplinary action and other means of correction that were attempted before the suspension.

ASSIGNMENTS AND TESTS DURING SUSPENSION

HOMEWORK ASSIGNMENTS FOR SUSPENDED STUDENTS-EC 48913.5

Upon request of a parent, a legal guardian, or other person holding the right to make educational decisions for the pupil, a teacher shall provide to a pupil in any of grades 1 to 8 who has been suspended from school or two or more schooldays the homework that the pupil would otherwise have been assigned. If a pupil turns in a homework assignment requested in the above manner to the teacher upon the pupil's return to school from suspension, or within the timeframe originally prescribe by

the teacher (whichever is later), and it is not graded before the end of the academic term, then that assignment shall not be included in the calculation for that pupil's overall grade.

PARENT AND FAMILY INVOLVEMENT

BASIC RIGHTS OF PARENTS

RIGHTS OF PARENTS OR GUARDIANS TO INFORMATION-EC 51101

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

- Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will attend pursuant to intra-district or inter-district pupil attendance policies or programs.
- Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.
- To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.
- To be notified on a timely basis if their child is absent from school without permission.
- To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.
- To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the school district to grant the parent's request.
- To have a school environment for their child that is safe and supportive of learning.
- To examine the curriculum materials of the class or classes in which their child is enrolled.
- To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.
- To have access to the school records of their child.
- To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.
- To be informed in advance about school rules, including disciplinary rules and procedures, attendance policies, dress codes, and procedures for visiting the school.
- To receive information about any psychological testing the school does involving their child and to deny permission to give the test.
- To participate as a member of a parent advisory committee, school-site council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, school-site councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.
- To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.
- To be notified, as early in the school year as practicable pursuant to EC 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child. Parents and guardians of pupils, including those parents and guardians whose primary language is not English, shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines the manner in which parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each school-site.
- The policy shall include, but is not necessarily limited to, the following:
 1. The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.
 2. A description of the school's responsibility to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.
 3. The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:
 - a. Monitoring attendance of their children.
 - b. Ensuring that homework is completed and turned in on a timely basis.
 - c. Participation of the children in extracurricular activities.
 - d. Monitoring and regulating the television viewed by their children.
 - e. Working with their children at home in learning activities that extend learning in the classroom.
 - f. Volunteering in their children's classrooms, or for other activities at the school.
 - g. Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

ELECTRONIC PRODUCTS OR SERVICES THAT DISSEMINATE ADVERTISING-EC 35182.5

If LMSVSD enters into a contract for electronic products or services that requires the dissemination of advertising to students, the district, among other requirements specified in EC 35182.5(c)(3), must provide written notice to the parents or guardians of the students that the advertising will be used in the classroom or other learning centers.

CUSTODY ISSUES

Schools are not a forum to settle custody disputes and the school has no legal jurisdiction to refuse a biological parent access to his or her child and the child's school records unless a signed restraining order or proper divorce papers specifically setting forth limitations are on file at the school office. Custody disputes must be handled by the courts.

ILLEGAL RECORDING OF CONFIDENTIAL COMMUNICATION-PC 632, EC 51512

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

DISRUPTION IN PUBLIC SCHOOL OR MEETING – EC 32210

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

WALKING OR RIDING A BIKE TO SCHOOL-VC 21212

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

USE OF SMARTPHONES- EC 48901.7

According to Board Policy 5131.8, a student cannot be prohibited from possessing or using a smartphone at school in the following situations:

1. During an emergency situation or as a response to a perceived threat of danger;
2. When a teacher or administrator gives permission to a student to possess or use a cell phone, subject to reasonable limitations imposed by the person giving permission;
3. When necessary for the health or well-being of a student, as determined by a licensed physician and surgeon; and
4. When possession or use of the cell phone is required pursuant to a student's individualized education program

ELECTRONIC SIGNALING DEVICE-EC 48901.5

The school districts may notify parents of school district policy regulating the rights of pupils to possess or use electronic signaling devices (e.g., cell phones and pagers) on school campuses during the school day or at school activities.

VISITING SCHOOL PROCEDURES

SCHOOL VISITING PROCEDURES-EC 51101(a)(12)

LMSVSD policy concerning visiting procedures may be found online at www.lmsvschools.org. Penal Code section 627.6: requires schools to post at every entrance a notice of visitor registration requirements, registration hours, registration location, and penalties for the violation of the registration requirements.

SCHOOL ACCOUNTABILITY REPORT CARD

SCHOOL ACCOUNTABILITY REPORT CARD-EC 35256, 35258

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



Uniform Complaint Procedures (UCP) 2022-23 Annual Notice

July 2022

La Mesa-Spring Valley School District

The La Mesa-Spring Valley School District annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of our Uniform Complaint Procedures (UCP) process.

The UCP Annual Notice is available on our website.

We are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

Programs and Activities Subject to the UCP

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

Uniform Complaint Procedures (UCP) Annual Notice • 2021-2022

Filing a UCP Complaint

A UCP complaint shall be filed no later than one year from the date the alleged violation occurred. For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by our agency.

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint may be filed with the principal of a school or our superintendent or their designee.

A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

Responsibilities of the La Mesa-Spring Valley School District

We shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, and pupils formerly in Juvenile Court now enrolled in a school district.

We advise complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the Department of Education (CDE).

We advise complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our UCP procedures shall be available free of charge.

For UCP Complaints Regarding State Preschool Health and Safety Issues Pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC)

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC), a notice shall be posted in each California state preschool program classroom in each school in our agency.

The notice is in addition to this UCP annual notice and addresses parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California *Code of Regulations* (5 CCR) that apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

Contact Information

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

Jennifer Coronel
Director, Student Supports
4750 Date Avenue, La Mesa CA 91942
619-668-5700, ext. 6306
jennifer.coronel@lmsvschools.org

The above contact is knowledgeable about the laws and programs that they are assigned to investigate in the La Mesa-Spring Valley School District.