PRINCIPLES OF RIGHTS, RESPONSIBILITIES AND RESPECT TO ENSURE A SAFE SCHOOL ENVIRONMENT

“Rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves...A society is only as just and free as it is respectful of this right for its smallest minorities and least popular communities.” - Charles C. Haynes, Ph.D.

IN ORDER TO ACHIEVE THEIR EDUCATIONAL POTENTIAL, ALL STUDENTS HAVE A RIGHT TO ATTEND SCHOOL AND PARTICIPATE IN EDUCATIONAL PROGRAMS AND ACTIVITIES:

...Where respect for the rights of others is a standard set by the Board of Education, and where the Superintendent and each principal, classroom teacher, District staff member, and student take responsibility for safe-guarding those rights.

... Free from discrimination and harassment based on race, religion, ethnic background or national origin, language, gender, sexual orientation, economic status, physical or developmental disabilities, or other special needs.

... In which the total school environment is free from verbal or physical intimidation or harassment, including sexual harassment; vulgar or abusive language; derogatory ethnic, racial or sexual slurs or conduct; or acts of violence.

... In which the dignity and worth of all individuals are respected.

Proposition 8, “Right to Safe Schools. All students and staff of primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful.”

(Approved by the Board of Education 1/20/98)

Know what’s happening in Modesto City Schools!

Visit our website - mcs4kids.com/district

“Like” us on Facebook - MCS4Kids

Follow us on Twitter - @MCS4Kids

Manage how you receive important information from your student’s school with go.schoolmessenger.com!

Modesto City Schools prohibits discrimination, harassment, intimidation, and bullying in educational programs, activities, or employment on the basis of actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, parental, pregnancy, family or marital status, or association with a person or a group with one or more of these actual or perceived characteristics.
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### Abbreviation Key:

- **AR**: Administrative Regulation (MCS)
- **BP**: Board Policy (MCS)
- **IC**: Intervention Center (MCS)
- **E.C.**: California Education Code
- **P.C.**: California Penal Code
- **C.A.C.**: California Administrative Code, Title 5
## Directory of Schools

### ELEMENTARY SCHOOLS

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<th>School</th>
<th>Address</th>
<th>Phone 1</th>
<th>Phone 2</th>
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<tbody>
<tr>
<td>ELIHU BEARD</td>
<td>915 Bowen Avenue, Modesto, CA 95350</td>
<td>574-1942</td>
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<tr>
<td>BRET HARTE</td>
<td>909 Glenn Avenue, Modesto, CA 95358</td>
<td>574-1952</td>
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<tr>
<td>BURBANK</td>
<td>1135 Paradise Road, Modesto, CA 95351</td>
<td>574-1962</td>
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<tr>
<td>EL VISTA</td>
<td>450 El Vista Avenue, Modesto, CA 95354</td>
<td>574-1972</td>
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<tr>
<td>ENSLEN</td>
<td>515 Coldwell Avenue, Modesto, CA 95354</td>
<td>574-1982</td>
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<tr>
<td>CATHERINE EVERETT</td>
<td>1530 Mt. Vernon Drive, Modesto, CA 95350</td>
<td>574-1992</td>
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<tr>
<td>FAIRVIEW</td>
<td>1937 W. Whitmore Avenue, Modesto, CA 95358</td>
<td>574-8102</td>
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<tr>
<td>FRANKLIN</td>
<td>120 S. Emerald Avenue, Modesto, CA 95351</td>
<td>574-8112</td>
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<tr>
<td>JOHN FREMONT</td>
<td>1220 W. Orangeburg Avenue, Modesto, CA 95350</td>
<td>574-8122</td>
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<tr>
<td>WILLIAM GARRISON</td>
<td>1811 Teresa Street, Modesto, CA 95350</td>
<td>574-8132</td>
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<tr>
<td>HARRIETTE KIRCHEN</td>
<td>1900 Kirschen Drive, Modesto, CA 95351</td>
<td>574-8142</td>
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<tr>
<td>LAKEWOOD</td>
<td>2920 Middleboro Place, Modesto, CA 95355</td>
<td>574-8152</td>
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<tr>
<td>JAMES MARSHALL</td>
<td>515 Sutter Avenue, Modesto, CA 95351</td>
<td>574-8162</td>
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<tr>
<td>ALBERTA MARTONE</td>
<td>1413 Poust Road, Modesto, CA 95358</td>
<td>574-8172</td>
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<td>JOHN MUIR</td>
<td>1215 Lucerne Avenue, Modesto, CA 95350</td>
<td>574-8182</td>
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<td>ROBERTSON ROAD</td>
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<td>ROSE AVENUE</td>
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<td>SHACKELFORD</td>
<td>100 School Avenue, Modesto, CA 95351</td>
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<td>SONOMA</td>
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<td>TUOLUMNE</td>
<td>707 Herndon Road, Modesto, CA 95351</td>
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<td>WILSON</td>
<td>201 Wilson Avenue, Modesto, CA 95354</td>
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<tr>
<td>ORVILLE WRIGHT</td>
<td>1602 Monterey Street, Modesto, CA 95354</td>
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### JUNIOR HIGH SCHOOLS/MIDDLE SCHOOL

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<th>School</th>
<th>Address</th>
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<tr>
<td>EVELYN HANSHAW</td>
<td>1725 Las Vegas Street, Modesto, CA 95358</td>
<td>574-1794</td>
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<td>LA LOMA</td>
<td>1800 Encina Avenue, Modesto, CA 95354</td>
<td>574-1906</td>
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<td>MARK TWAIN</td>
<td>707 S. Emerald Avenue, Modesto, CA 95351</td>
<td>574-1918</td>
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<tr>
<td>ROOSEVELT</td>
<td>1330 College Avenue, Modesto, CA 95350</td>
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### HIGH SCHOOLS

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<td>FRED C. BEYER</td>
<td>1717 Sylvan Avenue, Modesto, CA 95355</td>
<td>574-1647</td>
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<tr>
<td>GRACE M. DAVIS</td>
<td>1200 W. Rumble Road, Modesto, CA 95350</td>
<td>574-1668</td>
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<tr>
<td>THOMAS DOWNEY</td>
<td>1000 Coffee Road, Modesto, CA 95355</td>
<td>574-1685</td>
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<tr>
<td>ROBERT T. ELLIOTT</td>
<td>ALTERNATIVE EDUCATION CENTER</td>
<td>1440 Sunrise Avenue, Modesto, CA 95350</td>
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<td>JAMES C. ENOCHS</td>
<td>3201 Sylvan Avenue, Modesto, CA 95355</td>
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<td>JOSEPH A. GREGORI</td>
<td>3701 Pirrone Road, Modesto, CA 95356</td>
<td>574-1738</td>
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<tr>
<td>PETER JOHANSEN</td>
<td>641 Norseman Drive, Modesto, CA 95357</td>
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<td>MODESTO</td>
<td>18 H Street, Modesto, CA 95351</td>
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<td><strong>Frequently Called District Phone Numbers</strong></td>
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<td><strong>District Office</strong></td>
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<td>Adult Education</td>
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<td>After School Education and Safety (ASES)</td>
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<td>Alternative Education</td>
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<td>Career Technical Education &amp; ROP</td>
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<td>Child Welfare &amp; Attendance (Intra &amp; Interdistrict Transfer Info)</td>
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<td>Early Childhood Education</td>
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<td>English Learner Services</td>
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<td>Gifted &amp; Talented Education</td>
<td>492-4132</td>
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<td>Health Services</td>
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<td><strong>Healthy Start Programs</strong></td>
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<td>Franklin Elementary Healthy Start</td>
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<td>Robertson Road Elementary Healthy Start</td>
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<td>Wright Elementary Healthy Start</td>
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<td>Hanshaw Middle Healthy Start</td>
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<td>Downey High Healthy Start</td>
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<td>Human Resources</td>
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<td>Independent Study</td>
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<td>Nutrition Services</td>
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<td>Risk Management (Book/Device Restitution)</td>
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<td>Scholarship Information</td>
<td>contact your school site</td>
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<td>School Boundaries</td>
<td>492-1685</td>
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<td>School Leadership</td>
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<td>Special Education</td>
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<td>Transcripts</td>
<td>contact site from which you graduated</td>
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<td>Transportation (Bus Information)</td>
<td>574-1621</td>
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<td>Work Permits (During school year)</td>
<td>visit school site career center</td>
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<td>Work Permits (Summer only)</td>
<td>492-5128</td>
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Message from Superintendent Sara Noguchi, Ed.D

My first year in MCS was a whirlwind – I can’t believe how fast it flew by! I was overwhelmed with the support and welcome I received, and grateful for the partnerships I formed with the Board of Education, staff, families, and the community. Through these partnerships, we were able to accomplish so much in my first year!

The Board of Education approved District “Vision, Mission, & Values” statements. Our vision for MCS students is: Every student graduates with the skills, knowledge, and character traits essential to thrive and contribute to society. See the Mission & Values statements on our website at www.mcs4kids.com/district/about/vision.

I spent a good portion of the first few months of the school year “Looking, Listening, and Learning,” and meeting with as many stakeholders as I could to gain an understanding of how MCS works to support students. The feedback I received from those meetings was compiled and used by a diverse set of stakeholders to create our Strategic Goals:

**Goal One:** Increase academic achievement and ensure equitable access to enable all students to attain college and career readiness.

**Goal Two:** Ensure all employees have access to high quality professional development.

**Goal Three:** Provide a safe, welcoming, and respectful learning environment for every member of the school community while ensuring effective district-wide communication for students, staff, families, and community partners.

**Goal Four:** Ensure the District is fiscally and operationally sound.

**Goal Five:** Recruit, hire, train, and retain high quality staff.

The goals align with our “Vision, Mission & Values” statements and provide a clear focus for all staff that will guide our work to improve student outcomes.

I continue to be deeply committed to ensuring that all students have access to a high quality education. I'm confident that continuing to work together, we will create the right conditions for all students to learn the 21st century skills that are necessary to be successful members in our community and society at large.
AUGUST 2019
12  1st Day of School
28  Collaboration Day/TK-12 Min. Day
29  7-8 Back to School Night/Min. Day
30  7-8 Min. Day

SEPTEMBER 2019
2   Holiday/TK-12 Non-Attendance Day
4   Collaboration Day/TK-12 Min. Day
5   TK-6 Back to School Night/Min. Day
10  9-12 Back to School Night/Min. Day
11  Collaboration Day/TK-12 Min. Day
18  Collaboration Day/TK-12 Min. Day
25  Collaboration Day/TK-12 Min. Day

OCTOBER 2019
2   Collaboration Day/TK-12 Min. Day
9   Collaboration Day/TK-12 Min. Day
11  1st Quarter End/7-8 & 9-12 Min. Day
14  Staff Work Day/TK-12 Non-Attendance Day
16  Collaboration Day/TK-12 Min. Day
23  Collaboration Day/TK-12 Min. Day
30  Collaboration Day/TK-12 Min. Day

NOVEMBER 2019
1   1st Trimester End/TK-6 Min. Day
6   Collaboration Day/TK-12 Min. Day
11  Holiday/TK-12 Non-Attendance Day
13  Collaboration Day/TK-12 Min. Day
18-22 TK-6 Parent/Teacher Conferences/Min. Day
27  TK-12 Min. Day
28-29 Holiday/TK-12 Non-Attendance Day

DECEMBER 2019
4   Collaboration Day/TK-12 Min. Day
18-19 9-12 Finals/Min. Day
20  9-12 Finals/2nd Quarter End/Min. Day
20  TK-6 & 7-8 Min. Day
23-31 Winter Break

JANUARY 2020
1-10 Winter Break
20  Holiday/TK-12 Non-Attendance Day
29  Collaboration Day/TK-12 Min. Day

FEBRUARY 2020
5   Collaboration Day/TK-12 Min. Day
10  Holiday/TK-12 Non-Attendance Day
12  Collaboration Day/TK-12 Min. Day
17  Holiday/TK-12 Non-Attendance Day
19  Collaboration Day/TK-12 Min. Day
26  Collaboration Day/TK-12 Min. Day

MARCH 2020
4   Collaboration Day/TK-12 Min. Day
6   TK-6 Parent/Teacher Conferences/Min. Day
11  Collaboration Day/TK-12 Min. Day
13  3rd Quarter End/7-8 & 9-12 Min. Day
18  Collaboration Day/TK-12 Min. Day
20  TK-6 & 7-8 Min. Day
23-27 Spring Break

APRIL 2020
1   Collaboration Day/TK-12 Min. Day
8   Collaboration Day/TK-12 Min. Day
10  Holiday/TK-12 Non-Attendance Day
15  Collaboration Day/TK-12 Min. Day
22  Collaboration Day/TK-12 Min. Day
29  Collaboration Day/TK-12 Min. Day

MAY 2020
7   TK-6 Open House/Min. Day
25  Holiday/TK-12 Non-Attendance Day
26  TK-6 & 7-8 Min. Day
27-29 9-12 Finals/TK-12 Min. Day
29  Last Day of School/TK-12 Min. Day

Every Student Matters, Every Moment Counts

Non-Attendance Day

Important Date
Student Enrollment & Admissions

1. All children between the ages of 6-18 years are subject to compulsory full-time education, unless specifically exempted. (Education Code 48200)

2. The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

3. Before enrolling any child in a district school, the Superintendent or designee shall verify the child’s age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

4. The Superintendent or designee shall ensure that the enrollment of a homeless or foster child or a child of a military family is not delayed because of outstanding fees or fines owed to the child’s last school or for his/her inability to produce previous academic, medical, or other records normally required for enrollment.

5. In addition, no child shall be denied enrollment in a district school solely on the basis of his/her arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

6. The Superintendent or designee shall not inquire into or request documentation of a student’s citizenship or immigration status, and shall not deny a student enrollment in a district school on the basis of the student’s or parent/guardian’s citizenship or immigration status. Any information obtained about a student’s or parent/guardian’s citizenship or immigration status shall not be shared without parent/guardian consent or a lawful judicial order, in accordance with laws pertaining to the confidentiality of student records.

7. A student shall not be denied enrollment based on the parent/guardian’s refusal to provide the student’s or parent/guardian’s social security number. During the enrollment process, students and parents/guardians shall be informed that disclosure of their social security number is voluntary.

8. When enrolling in any district school, including a school in their attendance area, children whose parents/guardians reside within district boundaries shall be subject to the time lines established by the Board for open enrollment. Children whose parents/guardians do not reside within the district or who are not otherwise eligible for enrollment in the district may apply for inter-district attendance in accordance with the time lines specified in applicable Board policies and administrative regulations.

New student enrollees to Modesto City Schools are required to provide the following documentation:

- Completed Registration Card
- Address Verification: Two of the following must be submitted:
  - Copy of recent utility bill (i.e. PG&E, or City of Modesto)
  - Copy of recent rental agreement
  - Copy of recent purchase agreement or escrow title paperwork stating buyer will live in the home
  (Parent/Guardian name on this address verification must be the same parent/guardian name and address that are written on the registration card.)
- Adult I.D. verification: The adult registering the student must provide proof of identification, i.e. Driver’s license, or other photo I.D.
- Immunization Verification, Board Policy 5141.31, Senate Bill 277
- Withdrawal documents/drop papers/unofficial transcripts from the most recent previous school, if the student has been attending another school
- Guardian/care giver documentation, if applicable
- Current IEP or current 504 plan, if applicable
- Evidence of student’s age (Education Code 48002, Administrative Regulation 5111)
  - Copy of birth record or a statement by local registrar or a county recorder certifying the date of birth
  - Baptism certificate duly attested
  - Passport
  - When none of the foregoing is obtainable, affidavit of the parent, guardian, or custodian of the minor

Photos and Media Access to Students

Families may opt-out of their students’ photos or video recordings being used in district materials including newsletters, brochures, websites, marketing materials and video published on the internet or in other venues by completing an opt-out form available online (www.mcs4kids.com/PhotoOptOut) or at school offices. The opt-out form must be filed with the school principal each school year and remains valid through the end of the school year. The district does not have the legal authority to prevent your student from talking with media or dictating who media outlets film or photograph. You are encouraged to have a discussion with your student about your wishes should the media ask to interview them about controversial subjects. Students, families and visitors should be aware that public events such as athletic competitions or student performances may be filmed by news media or other parties.
Modesto City Schools participates in a program called the Community Eligibility Provision (CEP) under the National School Lunch Program and School Breakfast Program. CEP allows eligible schools and groups of schools to serve breakfast and lunch at no charge to students.

Students at the following schools will be offered a healthy breakfast and lunch at NO CHARGE:

**Elementary Schools** - Beard, Bret Harte, Burbank, El Vista, Enslen, Everett, Fairview, Franklin, Fremont, Garrison, Kirschen, Lakewood, Marshall, Martone, Muir, Robertson Road, Rose Avenue, Shackelford, Sonoma, Tuolumne, Wilson, Orville Wright

**Junior High Schools** - Hanshaw, La Loma, Mark Twain, Roosevelt

**High Schools** - Davis, Downey, Elliott, Johansen, Modesto

For students attending Beyer, Enochs, and Gregori high schools, free and reduced price meals will be available to those that qualify.

To apply for free or reduced price meals for your child(ren), please submit a confidential application. Applications may be completed online at mcsnutrition.org, or are available for pick-up in your student’s school office or cafeteria, or in the Nutrition Services office. Return the meal application as soon as possible to Nutrition Services or your school cafeteria. Only ONE application is required per household.

If your child has never been approved for free or reduced price meals in Modesto City Schools, you must provide a meal or meal money until you are notified that your application has been approved or disapproved.

If your child was attending Modesto City Schools at the end of last year and was receiving free or reduced price meals, eligibility will continue for the first 30 operating days of this school year or until eligibility is determined. However, a new application must be approved to continue eligibility for the remainder of the year.

Remember: you must complete, sign and submit an application every year if you want your child(ren) to be considered for free or reduced price meals. An incomplete application cannot be processed. YOU ONLY NEED TO SUPPLY THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER FOR INCOME APPLICATIONS. IF YOU DO NOT HAVE ONE, MARK THE “NO SSN” BOX.

If you wish to refuse these benefits or feel you do not want to apply because you know your income is too high to qualify, put a mark in the “Check Here To Decline Benefits Box,” located on top of the application. List your students in STEP 1, and sign the application before returning it to us. This will help us reach the District’s goal of a completed application for every student. School officials will notify you of your child’s eligibility.

For more information, please contact your school cafeteria or Janene Gonzalez, 1200 N. Carpenter Rd., Modesto, CA 95351 or (209) 574-8498.
Character Education/PeaceBuilders/PBIS

Modesto City Schools’ Character Education Program is a key component of the District’s widely acclaimed Safe Schools Project. During the fall of 1998, a District/Community Task Force made up of staff, parents, religious leaders, and business representatives identified nine character traits, which reflected core community values. The Board of Education and District initiated a Character Recognition Award Program to promote the nine Character Traits and formally honor students who demonstrate outstanding character at their school or in the community. One of the nine character traits is promoted each month and students are recognized at school assemblies and during Board of Education meetings throughout the year.

MODESTO CITY SCHOOLS CHARACTER TRAITS

Character is a combination of human traits that defines each person. Your character determines WHO YOU ARE as an individual. The CHARACTER TRAITS you develop and possess will direct your actions, choices, and the path you will take in life. Along with your family, schools have a responsibility to help you cultivate sound and wise character traits.

Modesto City Schools believes the following traits are essential elements of the moral and ethical behavior expected of every student:

COURAGE: The strength of character to live by the dictates of conscience.
CIVILITY: Courteous speech and behavior in the conduct of daily life.
COMPASSION: Deep awareness of the suffering of another and the wish to relieve it.
HONESTY: Truthful speech and behavior.
INITIATIVE: Ability to begin and complete a task without prompting or supervision by others.
LOYALTY: Faithful and dependable support of people and institutions.
PERSEVERANCE: Adhering to a course of action, a belief, or a purpose despite obstacles and discouragement.
RESPECT: Honoring the worth and value of individuals and institutions and treating them accordingly.
RESPONSIBILITY: Personal and moral accountability for one’s acts and words.

Peace Builders

In addition to the Character Education Program, Modesto City Schools implemented the PeaceBuilders program at all elementary sites with the assistance of the Stanislaus Community Foundation. PeaceBuilders is a science-based, research-validated violence prevention curriculum and professional development program. Its essence is a common language - six principles, taught, modeled and practiced. These same principles set behavioral expectations, reduce aggression, and transform the climate and culture of any environment to one which is cooperative, productive, and academically successful. For more information on PeaceBuilders, contact your school site or visit peacebuilders.com.

PeaceBuilder Pledge

I am a PeaceBuilder.
I pledge...
* To praise people
* To give up put downs
* To seek wise people
* To notice and speak up about hurts I have caused
* To right wrongs
* To help others
I will build peace at home, at school, and in my community each day.

Positive Behavioral Interventions & Support

Modesto City Schools is committed to Positive Behavioral Interventions and Support (PBIS) at each of our school sites. PBIS provides a framework for identifying school rules, teaching students the expected behavior in order to follow those rules, and rewarding students for making positive choices. Since Modesto City Schools began implementing PBIS, we have seen a substantial drop in suspension rates across the District. As our school sites continue implementing PBIS, we are confident we will continue to see similar results in the future. Should you have any questions regarding Positive Behavioral Interventions and Support, please visit the website www.pbiscaltac.org, or contact your school principal.
Dear Parent or Guardian:

The State of California has authorized the Modesto City Schools to establish rules and regulations for students riding the school buses. The Transportation Department needs your assistance to make sure that each student rider is assured a safe ride. You can assist us by discussing these rules with your student(s) and then complete and sign the form on the bottom of this letter and return it to the bus driver.

It is important to remember that the students being transported are under the direct authority of the bus driver and it is the student’s responsibility to follow the rules to protect their privilege of riding the bus.

Rules and Regulations, for your safety:
1. Passengers shall obey bus driver’s and bus aide’s instructions at all times.
2. Passengers shall sit facing forward with their feet and legs kept out of the aisle.
3. Passengers shall remain seated, with seat belts on (if applicable) until the bus comes to a complete stop.
4. To avoid possible injury, passengers must keep heads, arms and legs inside the bus at all times.
5. Be at the bus stop 5 minutes before departure. It is the student’s and parent’s responsibility to be on time.
6. Notes are not allowed for non-qualified bus riders for any reason.
7. All pick-ups and drop-offs are at the students’ designated stop only.
8. Be courteous and respect the rights and property of others.
9. The following are not permissible on the bus:
   a. Loud talking, yelling or screaming
   b. Eating, drinking or gum chewing
   c. Glass containers, animals, insects, and reptiles.
   d. Large, bulky items. In no instance shall aisles, doors, steps or emergency exits be blocked.
10. Cell phones must be completely put away and OFF while on the bus. They are subject to being taken away.
11. Passengers shall not throw any object inside or from the bus.
12. Depending on the severity of the offense, an automatic denial of bus riding privileges may be imposed for the following:
   a. Fighting, biting, or spitting
   b. Obscene language or gestures directed at the bus driver, aide, other students or the public.
   c. Vandalism to the bus or private property.
   d. Exiting the bus through a window or emergency exit (except during an emergency)
   e. Any weapons or hazardous items brought on the school bus.
   f. Any matches, cigarettes and/or controlled substances brought on the school bus.
   g. Any time school, transportation and/or public authorities must be dispatched to a bus due to student(s) misconduct.
   h. Threatening driver/aide and other students.

If your bus privileges are suspended, you are suspended from riding all buses.

By Board Policy, home to school transportation is provided to students who reside beyond the following distances of their assigned schools:
K-6 1 Mile  7-8 2 Miles  9-12 3 Miles

For more information, please call Transportation at (209) 574-1621.

ELIGIBILITY FORM

Complete this form and return it to the bus driver within one week of receipt. The form will be kept on file in the Transportation Department. Please print clearly. Thank you.

Student Name ___________________________________________ School ____________________________

Address ___________________________________________________________ Phone#________________________

Grade _______ Bus# ____________ Bus Stop ____________________________

I read Modesto City Schools’ Bus Rules and Regulations on __________________________ (date).

Student Signature ___________________________________ Parent Signature ____________________________
Future Ready Initiative/Special Programs & Alternative Education Programs

We believe our students are preparing to enter an ever-changing world where they will need to solve problems, think critically, communicate effectively, collaborate, take initiative and be adaptable. MCS has joined a broad network of similarly focused school districts in support of an initiative known as Future Ready. We believe that the values derived from this Future Ready Initiative will benefit all students without bias. As a supporting participant in the Future Ready Initiative, MCS is committed to

- fostering and leading a culture of digital learning within our schools,
- helping schools and families transition to high-speed connectivity,
- empowering educators through professional learning opportunities,
- accelerating progress toward universal access for all students to quality devices, and
- offering digital tools to help students and families.

MCS will provide high school and junior high school students with a computer to use in class and at home for school related work. As part of MCS’ Future Ready Initiative, students will have the opportunity to access District adopted digital content, as well as other supplemental content for all subjects. As an MCS student and a computer network user, the student hereby agrees to comply with the MCS Student Internet and Network Agreement Acceptable Use Policy (see AR 6163.4 and BP 6163.4). Both the parent and student should read the Future Ready Handbook found on www.mcs4kids.com.

The computer and its components are the sole property of MCS and are for educational purposes only. The equipment is loaned to the student and will be returned when the student drops, completes the school year, graduates or upon request of the school. The computer may not be transferred or given to any other student.

The cost to replace the device if lost or stolen is $200. The cost to replace the power adapter if lost or stolen is $35. Optional limited technology coverage (LTC) is available for purchase once per school year, through the last school day in April, for a non-refundable $20 fee per student. Only cash or debit/credit cards are accepted. Cash and debit/credit card payments are accepted at the high school’s Student Body Office or junior high school’s Administration Office. Debit/credit card payments are also accepted online at each school’s web store. The LTC covers the first breakage and the first theft with a documented police report. If the payment is made before 3 p.m., the coverage goes into effect the following school day. If the payment is made after 3 p.m., the coverage goes into effect two school days later.

While the District’s intent is to make computer access available to further the delivery of curriculum and other content areas, students may find ways to access inappropriate material. Ultimately, parents/guardians are responsible for setting and conveying the standards that their children should follow when using media and information sources. The Internet is a powerful learning tool, but it should not be used indiscriminately or without supervision. While your child is at school, District staff will make every effort to assure this resource is used appropriately. It is the parents'/guardians’ responsibility to monitor this resource at home, not unlike the manner in which they monitor the use of TV, video games, or the telephone. It is not advisable for children to engage in long hours of unsupervised time online.

Special Programs & Alternative Education Programs

Modesto City Schools offers a variety of special and alternative education programs. Some programs are available to all students; others are designed to meet the special needs of specific students.

- **Academies and Pathways** Each comprehensive high school offers academies and/or pathways which combine core academics and specialized classes to teach students marketable occupational skills, abilities, attitudes and work habits. Visit each school’s website for more information.

- **After School Education and Safety (ASES)** provides a safe, secure environment for students in grades TK-8 during after school hours until 6 p.m. Students have the opportunity to receive homework assistance, as well as participate in extended learning activities, such as art, music, fitness and wellness, science, and service learning. The program is open every school day, beginning immediately after school with a nutritious snack. In addition to serving students, the ASES program helps parents become active participants in the educational development of their children. For more information, please call 574-1608.

- **Career Technical Education (CTE)** To prepare students for fulfilling careers in the work place, Modesto City Schools offers Career Technical Education courses at each high school. CTE courses focus on developing rigorous skills training in an exciting array of programs including, but not limited to, agriculture, auto technology, construction, culinary arts, graphic communications, retail sales and marketing, computer technology, health career education, public safety and more. Courses also prepare students for work after high school through exploration of career options and expectations of business/industry. For more information regarding CTE, visit www.mcs4kids.com.
• **Dual Language Academy (DLA)** at Bret Harte Elementary School and Hanshaw Middle School is a parent choice program for English fluent students and English Learners, and requires a specific application process. The program goal is bilingualism and biliteracy in both English and Spanish. At Bret Harte, the DLA uses a 50-50 model, with 50% instruction in English and 50% instruction in Spanish. At Hanshaw, students take two periods of instruction in Spanish. For more information, please call 574-1590.

• **English Learners Program** In addition to the DLA (see above), the District offers a Structured English Immersion program for English Learners. The goals for our English Learner Program are to develop English language proficiency; to ensure high academic achievement; and to promote positive self-esteem and cross-cultural understanding and appreciation. For more information, call 574-1590.

• **Fremont Open Plan (FOP) Program** Fremont Elementary School provides this K-6 multi-age program that maintains a high degree of parent involvement and commitment. For information on the FOP, contact Fremont Elementary School at 574-8122.

• **Gifted and Talented Education (GATE)** serves academically gifted students from a variety of cultural, economic, and linguistic backgrounds. Lakewood, Martone and Sonoma Elementary Schools provide self-contained, full-time programs for identified children in grades 3-6 from all District elementary schools.

• **Honors classes** provide 7th and 8th grade students with advanced classes in core subject areas. Teachers lead students in experiencing greater depth, breadth, and complexity in their areas of study.

• **Advanced Placement (AP)** courses are rigorous, college-level classes in a variety of subjects that give students an opportunity to gain the skills and experience colleges recognize. These courses are designed to provide advanced or accelerated instruction for students wishing to gain college credit while in high school. College credit is determined by the results of end of course AP examinations. Every college and university has its own policies regarding AP credit. For more information about AP credit, visit www.collegeboard.org/apcreditpolicy.

• **International Baccalaureate (IB) Diploma Programme** Coursework challenges students and prepares them to successfully compete in colleges and universities. Students gain a broader world view, follow in-depth approaches to the academic disciplines, and develop time management, problem-solving, research and organizational skills. The IB Program is offered at Modesto High School.

• **Rigorous Instruction for Student Excellence (RISE)** is an academic program designed to increase student achievement. Selected students attend this program 1 ½ hours after school on Tuesdays, Wednesdays, and Thursdays. Students receive targeted instruction in specific skills in Language Arts, then receive approximately 30 minutes of homework assistance. For more information, please call 574-1608.

**Modesto City Schools also provides a number of alternative education programs at a variety of locations throughout the District.**

• **Adult Education Program** Provides both day and evening classes for adults seeking to earn a high school diploma. Also provides non-English speakers with the opportunity to learn English language skills.

• **Continuation High School Program** Serves 16- to 18-year-old students who have experienced academic, attendance, or behavior difficulty in the comprehensive school setting and who are more successful in an alternative school setting. The curriculum reflects the District’s regular high school course of study.

• **G230 Academy** This alternative education program helps students recover credits through an online curriculum program that meets state standards. There are two G230 Academy locations: Pearson Education Center, 500 Locust Street (next to the District Office) and Johansen High School, 641 Norseman Drive.

• **Independent Study Program** Enables students to gain academic credit while completing an independent educational program in the home setting. The program includes required meetings with fully-credentialed teachers. Serves elementary, junior high, and high school students. Independent study is a voluntary program and students are selected on a case-by-case basis according to District criteria.

• **Modesto Virtual Academy (MVA)** is an independent study program. MVA students access and learn content primarily through on-line courses and receive assistance in their courses through weekly meetings with their instructor. The computer lab, located at Pearson Education Center, is available for students to access on a daily, drop-in basis beyond the required weekly meeting time if they prefer to take their courses in a lab setting with the instructor available rather than at home or another off-site location.

• **Teen Parent/Pregnant Minor Program** Enables pregnant minors and teens who are parents to stay in school to complete the requirements for their high school diplomas. The program provides child care services and parenting information classes.

• **Turnaround Opportunity School (TOPS)** serves high school students, under 16-years-old, who need the more individualized attention smaller classes provide. Located at Gregori High School.

The District’s alternative programs develop and monitor educational plans for each student to promote his or her academic success.
Modesto City Schools Special Education Local Plan Area (SELPA) offers programs for students found eligible for Special Education services under the Individuals with Disabilities Education Act (IDEA). The District provides services from birth to 22 years of age. Students are identified through the assessment process and an Individualized Education Program (IEP) is developed if a student is found eligible. IEPs are reviewed annually as students progress on their established goals and objectives. The overall purpose of Special Education is to meet individual student needs by providing support and services that allow students to access core instruction and participate in the least restrictive environment. For more information, please contact the Special Education Department at (209) 574-1623.

Modesto City Schools SELPA provides a full continuum of services to the meet the needs of students with disabilities. This includes but is not limited to:

- **Designated Instructional Services**
  - Language, Speech, and Hearing
  - Adapted Physical Education
  - Audiological Services
  - Orientation and Mobility Instruction
  - Occupational Therapy
  - Vision Services
  - Health and Nursing Services
  - Assistive Technology
  - Inclusion Services
  - Counseling
  - Behavior Intervention Services
  - Other needs as determined by the IEP

- **Resource Specialist Program**
- **Non-Public Schools**
- **Special Day Classes for Students with:**
  - Mild-Moderate Disabilities
  - Moderate-Severe Disabilities
  - Autism
  - Emotional Disturbance
  - Physical Disabilities
  - Hearing Impairments
- **Infants & Preschool Age**
- **Transitional Programs for Students Ages 18 to 22 Years**

**Community Advisory Committee:** The Community Advisory Committee (CAC) unites parents, educators, agency personnel, and members of the community in a common goal of ensuring that students with exceptional needs receive a free and appropriate education. The CAC meetings offer an important opportunity for parents to communicate directly with the Modesto City Schools SELPA Administration regarding programming and support for students within our SELPA. Parent trainings are held each year on topics of interest to parents of students with disabilities. The goals of the CAC include:

- Providing input on the development, review, and implementation of the Local Plan for Special Education.
- Providing input on other policies and procedures pertaining to the education of students with disabilities.
- Sponsoring educational programs on topics such as parent advocacy, parent rights and responsibilities, the IEP process, parent/professional collaboration, assisting disabled students, transition programs, promoting the least restrictive environment, vocational/career education, post secondary programs, mental health services, community resources, and legislation affecting students with disabilities.
- Impacting legislation affecting students with disabilities.
- Promoting regular school attendance through enhancing parent awareness.
- Increasing parent involvement through parent trainings.

**Community Advisory Committee (CAC) Meetings**
2019-2020 • 5:30-7 p.m.
September 17, 2019
October 8, 2019
November 5, 2019
December 10, 2019
February 18, 2020
March 10, 2020
April 7, 2020
May 26, 2020
MCS Staff Development Center
425 Locust Street
Modesto, CA 95351
Building a Strong Academic Foundation in Junior High School

A major focus of junior high school is to help students make a successful transition to high school. To accomplish this, junior high school students must satisfactorily complete a rigorous core academic curriculum. Students who need extra help will be provided opportunities to improve their skills or make up failed courses. Parents will be notified on a regular basis of their students’ progress towards meeting graduation requirements.

Graduation Requirements

To receive a diploma of graduation from junior high school, students must:

• Complete the required course of study.
• Receive a passing grade on a District U.S. Constitution test.

Required Courses:

- **English**
  - Four (4) semesters
- **Mathematics**
  - Four (4) semesters
- **Science**
  - Life Science (Grade 7) - two (2) semesters
  - Physical Science (Grade 8) - two (2) semesters
- **Social Science**
  - World History (Grade 7) - two (2) semesters
  - U.S. History (Grade 8) - two (2) semesters

High School Graduation Requirements

Students must earn a minimum of 230 units and pass required core courses:

- **English**
  8 semesters (40 units)
- **Math**
  6 semesters (30 units) including the successful completion of Algebra or Secondary Math I
- **Physical Education**
  4 semesters (20 units)
  **Note:** All 9th graders must take Physical Education unless exempted by Board Policy 6142.111.
- **Social Science**
  2 semesters U.S. History (10 units)
  2 semesters World History (10 units)
  1 semester U.S. Government (5 units)
  1 semester Economics (5 units)
  1 semester World Geography/World Religions (5 units)
- **Health**
  1 semester (5 units)
- **Practical Arts**
  1 semester (5 units)
- **Science**
  2 semesters of biological science (10 units)
  2 semesters of physical science (10 units)
  OR successful completion of 4 semesters of integrated science (20 units)
- **Visual Arts/Performing Arts OR World Language OR Career Technical Education**
  2 semesters (10 units)
  (One course in visual/performing arts or world language or American Sign Language or Career Technical Education)

To be on track for graduation, students must earn the following number of units each semester:

<table>
<thead>
<tr>
<th>Year in school</th>
<th>End of 1st Semester</th>
<th>End of 2nd Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>9th Grade</td>
<td>25 Units</td>
<td>55 Units</td>
</tr>
<tr>
<td>10th Grade</td>
<td>85 Units</td>
<td>115 Units</td>
</tr>
<tr>
<td>11th Grade</td>
<td>145 Units</td>
<td>170 Units</td>
</tr>
<tr>
<td>12th Grade</td>
<td>200 Units</td>
<td>230 Units</td>
</tr>
</tbody>
</table>

Parent Involvement is Key to Student Success! Studies show that parent involvement positively affects student achievement, and contributes to higher quality education and better performance of schools overall. There are a number of ways you can get involved: Introduce yourself to your child(ren)’s teacher(s); join a parent group at your child(ren)’s school; volunteer in the classroom; read with your student(s) every day; ask your student(s) about their day. Talk with your child(ren)’s teachers about how you can help your child(ren) be successful. For more ideas, visit our Student, Parent, & Community Support Services (SPCSS) department webpage: www.mcs4kids.com/district.
College Counseling Program: Modesto City Schools offers a comprehensive College Counseling Program at each of its eight high school campuses. The program provides the services of fully-trained College Counselors who are responsible for serving all students interested in pursuing university degrees, junior college, and vocational schools. College Counselors serve students and their parents by providing a wide array of current information on issues related to college/university entrance requirements, costs, scholarships, and much more. They have access to critical information to help students make sound and realistic choices about college/university admittance. During the school year, College Counselors host evening programs at each high school campus. During these programs, counselors discuss general issues related to college/university selection and acceptance; the application process; financial aid and scholarship opportunities; the PSAT, SAT, and ACT; timelines for completing admission forms; and other important topics. There are also question and answer periods after each program. College Counselors are available to all high school students and their parents.

Junior College Admission Requirements: Graduation from high school, passing the California High School Proficiency Examination, or reaching the minimum age of 18 years are the only requirements for junior college admission. There are no subject or grade requirements. However, the better preparation a student has in high school, the better the chances for success at junior college.

CSU/UC Admission Requirements and Higher Education Information: Each school year, a school district shall provide the parent of students in grades 9 through 12 with a written explanation of the requirements for admission to the California State University and the University of California. (Ed. Code, § 51229)

To learn more about college admission requirements, and for a list of District courses that have been certified by the University of California as satisfying the requirements for admission to the UC and CSU, please see your school’s course catalogue or refer to: https://doorways.ucop.edu/list.

Career Technical Education (CTE): CTE may be offered by the District as career and workforce preparation for high school students, preparation for advanced training, and the upgrading of existing skills. CTE provides high school students who are 16 years of age or older with valuable career and technical education so students can: (1) enter the workforce with skills and competencies to be successful; (2) pursue advanced training in postsecondary educational institutions; or (3) upgrade existing skills and knowledge. A CTE course may also satisfy a graduation requirement and a subject matter requirement for admission to the UC and CSU. To learn more about the District’s career technical education classes, please visit the District’s website.

Students are encouraged to meet with school counselors to help them choose courses at their school that will meet college admission requirements or to enroll in career technical education courses, or both. Please contact your school’s counseling office.

<table>
<thead>
<tr>
<th>A-G Courses</th>
<th>Subject</th>
<th>CSU/UC Requirements for Freshman Admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>History/Social Science</td>
<td>2 years required</td>
</tr>
<tr>
<td>B</td>
<td>English</td>
<td>4 years required</td>
</tr>
<tr>
<td>C</td>
<td>Mathematics</td>
<td>3 years required (e.g., Algebra, Geometry and Advanced Algebra), 4 years recommended</td>
</tr>
<tr>
<td>D</td>
<td>Laboratory Science</td>
<td>2 years required (e.g., Biology, Chemistry and Physics), 3 years recommended</td>
</tr>
<tr>
<td>E</td>
<td>Language Other Than English</td>
<td>2 years required, 3 years recommended</td>
</tr>
<tr>
<td>F</td>
<td>Visual and Performing Arts (VPA)</td>
<td>1 year required</td>
</tr>
<tr>
<td>G</td>
<td>College-Preparatory Elective</td>
<td>1 year required</td>
</tr>
</tbody>
</table>
Grade 9 Physical Fitness Test: All grade 9 students must take the California State Physical Fitness Test. Students not passing five out of six criteria on the Physical Fitness Test will be required to take a Physical Education course in their sophomore year. (E.C. 60800 & E.C. 51241[b][1])

Important Information About the Preliminary SAT (PSAT): The Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) is excellent practice for college placement tests such as the SAT or ACT. Students who take the PSAT score an average of 100 points higher on the SAT.

The purpose of the PSAT is to:
1. Provide practice taking the SAT (the PSAT test measures critical reading skills, math problem-solving skills and writing skills);
2. Receive feedback on strengths and weaknesses on skills necessary for college study;
3. Compare performance on admissions tests with other students who may be applying;
4. Enter the competition for the National Merit Scholarship Corporation;
5. Help prepare for the SAT by becoming familiar with the kinds of questions and directions on the SAT; and
6. Receive information from prospective colleges.

The PSAT assesses knowledge and skills developed through years of study in a wide range of courses. Although the test is not directly related to a specific high school curriculum, it does reflect the kind of academic experience considered important for successful academic performance in college.

Eleventh grade students who take the PSAT, and do well, can compete for scholarships and recognition awards. In addition, students who identify themselves as Hispanic or Latino on the test answer sheet will automatically be considered for the National Hispanic Scholar Recognition Program.

Modesto City Schools will offer two versions of the PSAT in the 2019-2020 school year:

- For All 9th, 10th & 11th Grade Students: Each high school will offer the PSAT on Wednesday, October 16, 2019, for all 9th, 10th and 11th grade students. Students must sign up in their high school’s Student Body Office to be eligible to take the PSAT. Students must also submit a $17.00 test fee. Students will not be allowed to take the test if they have not paid the fee. Fee waivers are available for economically-disadvantaged eleventh grade students.

- For 10th Grade Students Only: Through LCAP funds, Modesto City Schools will pay for all interested 10th grade students to take the PSAT 10 at their high school in spring 2020. The PSAT 10 is only for 10th grade students. Students must sign up in their school’s Student Body Office to be eligible to take the PSAT. Schools will notify 10th grade students and their families of the test date.

Students or parents/guardians who have questions about the PSAT should contact the College Counselor at their child’s high school.

College Entrance Tests: College entrance tests are tests of ability and knowledge required of each college applicant necessary for successful college performance. Entrance tests are required and used for counseling and placing students in appropriate college courses. Some colleges and universities require minimum scores for admission. In addition, scholarships may be based on scores from college entrance tests. The most common tests are the SAT Reasoning Tests, SAT Subject Tests, and the ACT. It is extremely important that students observe deadlines for the submission of test scores. It is recommended that ALL college-bound eleventh grade students take the SAT and/or ACT by the end of their junior year. Contact your College Counselor with any questions about college entrance tests.

Work Permits and Driver’s Education: Modesto City Schools requires students to be ON TRACK to graduate before they can enroll in Driver’s Education or obtain a Work Permit. California law requires that students under the age of 18 take Driver’s Education before they can qualify for a driver license. Being on track means students are making satisfactory progress toward earning the number of units they will need to graduate with their classmates (see box on page 13).
GUIDELINES FOR VISITORS: To build community awareness and appreciation of the many programs offered by public schools, Modesto City Schools encourages parents and interested community members to visit school campuses. Throughout the year, special events are held at each school to which visitors are invited.

Today, schools must take reasonable precautions to avoid interruptions and disruptions during the school day that could jeopardize the health and safety of students and staff.

Signs posted at all school entrances show regular school hours and inform visitors they must report to the school office. To help ensure school safety and security, the principal/designee needs a visible means of identifying visitors while they are on the school grounds. This identification is required for all visitors, including parents (or guardians), and can be picked up at the school office.

Visitors are: 1) Parents (or guardians) of students enrolled at the school; 2) School volunteers; 3) Public employees whose job requires they be on school grounds; 4) Elected public officials; 5) Reporters, publishers, editors or other persons connected with, or employed by, a newspaper, magazine or other publication, radio or television station; 6) Representatives of a school employee organization engaged in activities related to the representation of school employees; and 7) anyone else, except site/District staff, students of the school, delivery persons or other contracted workers who are on the school grounds at the school’s request.

Upon reporting to the school office, visitors may be required to furnish the principal/designee identification and any other information considered pertinent.

GUIDELINES FOR PARENT/GUARDIAN VISITS: School visits require staff time and commitment. Staff members are encouraged to accommodate as many requests as possible.

1. To ensure minimum interruption or disruption of the instructional program, visits to any classroom during school hours must be arranged in advance with the teacher. If the teacher or principal/designee feels a classroom visit would disrupt the instructional program, the request may be denied or rescheduled. (If a teacher/parent conference is desired, an appointment will be made with the teacher during non-instructional time.)

2. Parents (or guardians) who need to leave lunches, clothing, or other articles for their children, or who need to contact students or staff, however briefly, must first report to the school office to make their request. Usually, items will be delivered to the student by school staff to avoid interruption of the instructional program.

3. Parents (custodial or non-custodial) or guardians may not use the school setting to resolve visitation or other custodial rights. Such issues should be addressed after regular school hours.

4. No electronic listening or recording devices may be used in a classroom without the teacher’s and principal’s permission (E.C. 51512). Persons who do so will be guilty of a misdemeanor.

The principal/designee may refuse to allow a visitor the privilege of visiting the school if the principal believes the individual’s presence or acts have the potential to interrupt the school, its students, teachers and other staff members; jeopardize the health and safety of students and staff; or cause property damage. Visitors need to know that the school principal/designee has the authority to direct an individual to leave the campus.

This direction is given when the principal determines that the visitor’s presence or acts have the potential to interrupt or disrupt the school, its students, teachers or other employees; to jeopardize the health and safety of students and staff; or cause property damage. The principal’s/designee’s verbal direction to leave campus will be documented.

If the individual re-enters the campus without permission within seven days after being directed to leave the school grounds, he/she will be guilty of a misdemeanor and subject to arrest (P.C. 626.6).

If the individual refuses to leave after being asked by the principal/designee, law enforcement will be called. Specific circumstances of the case and advice from law enforcement will determine further action.

As soon as possible, school staff will document all facts regarding the situation. A full description of the incident will assist the District Attorney in determining appropriate charges - disturbing the peace, threats of violence, use of obscene language, assault, etc. (An appeals process is defined in Modesto City Schools Board Policy 1250.) Modesto City Schools wants to emphasize that the majority of school visits are beneficial to the school, students, school staff, and individual visitors. However, it is important that parents and others be aware of the District’s guidelines regarding visitors at school.

Obviously, it is in the best interest of our young people that interruptions, disruptions, or other more serious actions be avoided in order to provide a safe school environment where students can enjoy learning.

Tobacco Products are Prohibited: In the best interest of students, employees and the general public, the Board of Education prohibits the use of tobacco products at all times in District-owned or leased buildings, on District property, and in District vehicles. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles and all other enclosed facilities, as well as indoor and outdoor athletic facilities.
MESSAGE FROM THE BOARD OF EDUCATION ON MODESTO CITY SCHOOLS’ CONDUCT CODE

THE BOARD OF EDUCATION AND STUDENT BEHAVIOR

The Board of Education has the responsibility to see that an appropriate educational program is available to each student in our schools. Within the framework of California law, courses and materials are developed, teachers and administrators are selected, and rules and regulations are established to ensure a proper climate in which students may pursue their studies.

Sections of that law are cited here so that students and parents may know the basis for the rules that must be enforced by the Board. This responsibility is an obligation the Board takes seriously. School personnel have been charged by the Board to carry out these rules in a fair, firm, and friendly manner in order to safeguard each student’s right to the finest education we can provide, to hold distracting forces to a minimum, and to eliminate behavior that disrupts the learning process. This will benefit the majority of students by allowing them to go to school relatively free from unnecessary interruption.

Parents, administrators, teachers, and others responsible for the welfare of students must cooperate to interpret and enforce our behavior code and attendance policy.

This publication contains the rights and responsibilities, legal basis, and rationale for which our policies are founded. It is important that you read and discuss this Student Conduct Code with your son or daughter.

We look forward to a good school year. We ask your cooperation to ensure that our students have an environment that promotes the educational process.

MODESTO CITY SCHOOLS BOARD OF EDUCATION

RIGHTS AND RESPONSIBILITIES

Rights of Students
- To attend school unless removed under due process as specified in the Education Code.
- To attend school in a secure academic and social climate, free from discrimination, harassment and intimidation.
- To enjoy the full benefit of their teachers’ efforts, without interruption by a disruptive student.
- To have ready access to a designated counselor.
- To examine personal records upon reaching the age of 16 or completing the 10th grade.
- To be fully informed of school rules and regulations.

Responsibilities of Students
- To attend school and classes regularly and on time.
- To be prepared for class with the appropriate materials and work.
- To know and obey school rules and regulations.
- To respect the rights of school personnel, fellow students, and the public in general.
- To demonstrate pride in the appearance of school buildings and grounds.
- To resolve differences in a positive way and seek adult assistance and support with resolving differences.

Rights of Parents
- To expect that their children will spend their time at school in a safe, wholesome, stimulating atmosphere engaged in productive activity under the care and direction of a dedicated staff.
- To have assurance that school personnel will at no time preempt parental prerogative.
- To be informed of District policies and regulations and school rules.
- To review their child’s record with a certificated staff member providing assistance.

Responsibilities of Parents
- To visit school periodically to participate in conferences with teachers, counselors or administrators regarding the academic and behavioral status of their children.
- To provide supportive action by making sure that children have enough sleep, adequate nutrition and appropriate clothing before coming to school.
- To maintain consistent and adequate control over their children and to approve of reasonable control measures as applied by school personnel.
- To cooperate with the school in bringing about improvements designed to enhance the educational
program offered students.
- To provide the school with current information regarding legal address, phone, medical data, and other facts which may help the school to serve their children.
- To become familiar with District policies and school rules and regulations.

**Rights of Teachers**
- To expect and receive the attention, effort, and participation of the students attending their classes.
- To have parental and administrative backing when enforcing rules designed to provide an optimum learning climate.
- To teach with interruptions held to an absolute minimum.
- To enjoy the same level of respect and courteous treatment accorded members of the class individually and collectively.

**Responsibilities of Teachers**
- To consider the personal worth of each individual student as a single, unique, important human being.
- To attempt to equip each learner with the knowledge, skills, attitudes, and values required for successful living.
- To hold students accountable for their actions at all times.
- To assess divergent ideas, opinions, and expressions objectively and deal with them in a balanced, unbiased manner.
- To keep parents and students informed with timely or periodic reports, including all pertinent data related to the student’s school experience.
- To consistently critique their own performance with the objective of an ever growing professional stature.
- To initiate and enforce individual classroom rules consistent with school and District policies.

**Rights of Administrators**
- To initiate such control measures as needed to establish and maintain an environment in which optimum learning and teaching conditions prevail.
- To make decisions on all issues confronting schools, primarily on the basis of what is best for the students.
- To hold students accountable for their conduct and to take prompt and appropriate action toward those guilty of violations.
- To expect that all school employees recognize and fulfill their role in terms of campus control.

**Responsibilities of Administrators**
- To provide leadership that will establish, encourage, and promote good teaching and effective learning.
- To establish, publicize, and enforce school rules that facilitate effective learning and promote attitudes and habits of good citizenship among the students.
- To request assistance from the District’s support services and community agencies and resources in all cases indicating such action.
- To make a determined effort to stay attuned to expressions of student/staff/parent/community concerns and to react with sensitivity toward them.
ATTENDANCE:

Regular school attendance is important. Students must attend school regularly to achieve in the classroom. Parents who make regular school attendance a top priority help their children become dependable and responsible. The importance of being in school every school day applies to students at all grade levels. Children in the primary grades (kindergarten through third) should set a pattern of regular attendance early in their school careers. The habit will carry over through high school and beyond.

Being absent from school hurts the student. Modesto City Schools’ data shows that students who do not attend school regularly achieve at a lower level than their classmates. Poor school attendance is the most frequently identified symptom of the potential school dropout. On average, students who were on track to graduate were absent eight (8) days during the entire school year. On average, high school students who are not on track to graduate (down 1-10 units) are absent seven (7) or more days in a semester, or 16 days in a school year. On average, students who are absent one-and-a-half or more days a month ARE NOT on track to graduate with their classmates regardless of the school they attend, their grade level, the courses they take, or their ethnicity.

Absenteeism hurts other students. When students who have been absent return to school, they need more individual attention from their teacher. They often deprive their classmates of the teacher’s full attention.

Absenteeism hurts your child’s school. State funding to schools is linked to student attendance. The more absences, the less funding a school district receives from the state and the total educational program suffers.

Absenteeism hurts our community. Students who are chronically absent are not prepared to join the work force or continue their education beyond high school. The Modesto Police Department confirms that daytime criminal activity increases when students are not in school.

Notice for High School Students:

Excessive absenteeism can affect eligibility to enroll in Driver’s Education. If students have five (5) or more absences without a doctor’s note, after being placed on Attendance Supervision, students will not be eligible to enroll in Driver’s Education until the next school year. Students will be allowed to enroll in Driver’s Education the second semester of the following year if they are not placed on Attendance Supervision the previous semester. The Student Conduct Code allows a school administrator to place students on Attendance Supervision if they are absent 15 days, excused or unexcused, during the school year - six (6) period absences equal one (1) full day of absence. Students will then need a doctor’s verification for any additional absences during the same school year. Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within seven (7) school days after the student returns from the absence.

How truancy affects eligibility to enroll in Driver’s Education: On the fourth incident of truancy (being absent from school without verified approval from a parent/guardian, or from the school) students will not be allowed to enroll in Driver’s Education until one full semester is completed without another incident of truancy.

ABSENCES

RIGHTS/CONSEQUENCES

ATTENDANCE EXPECTATIONS

EDUCATION IS AN OPPORTUNITY AND A RIGHT. IF STUDENTS DO NOT EXERCISE THEIR RIGHT TO ATTEND SCHOOL, THEY HAVE LIMITED THEIR OPPORTUNITY FOR THE BASIC EDUCATION NECESSARY TO BECOME MATURE, KNOWLEDGEABLE, AND PRODUCTIVE MEMBERS OF SOCIETY. ABSENTEEISM HAS A DIRECT, NEGATIVE EFFECT ON STUDENT ACHIEVEMENT, PROMOTION, GRADUATION, BEHAVIOR, AND EMPLOYMENT POTENTIAL. IT HAS BEEN WELL DEMONSTRATED THAT REGULAR ATTENDANCE IS A KEY FACTOR IN THE SUCCESS A STUDENT ACHIEVES AT SCHOOL.

ABSENCES -- ASSIGNMENT MAKE-UP ALLOWED

1. EXCUSED ABSENCES (C.A.C. Title 5, Sec. 420)

Absences listed below are excused when verified in accordance with the Education Code and Board Policy:

A. Illness.
B. Quarantine directed by county or city health officer.
C. Medical, dental, or optometrical services rendered:
   1. Students are encouraged to make medical appointments after school hours. If this is not possible, then students must return to school immediately after an appointment.
2. (K-6) If a student must miss school for a medical appointment, the name of the doctor and/or clinic must be listed on the verifying note. 
(7-12) Students will be released for and receive excused absences for appointments only on the written approval of parents or guardians.
(7-12) The only exception shall be for those students whose parents or guardians have provided annual written consent to the school to release and excuse their child(ren) upon doctor verification. (See the form on page 83)

D. Attending funeral services of a member of the pupil’s immediate family as defined in E.C. 45194, so long as such 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 of California.

Students shall be permitted to make up missed school assignments.

(K-6) Responsibility for requesting missed work lies with student/parent. The teacher will determine the length of time the student has to make up work.

(7-12) Students shall be allowed two school-days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with the student.

2. ABSENCES EXCUSED FOR PERSONAL REASONS (PRIOR APPROVAL REQUIRED) (E.C. 48205)

A. A pupil’s absence shall be allowed provided the absence is for one of the following justifiable personal reasons:
   1. An appearance in court.
   2. (7-12 only) An employment conference.
   3. A pupil/family hardship situation, as authorized by the principal.
   4. An observance of a holiday or ceremony of the pupil’s religion.
   5. Attendance at religious retreats not to exceed four (4) hours per semester.
   6. Attending a funeral service of a person who is not an immediate family Member.

B. PRIOR to an absence described in this regulation, a signed parental request must be received and approved by the principal or administrative designee.

C. Only in the case of extreme emergency will the principal approve an absence after the absence occurs.

A pupil whose absence is excused according to the above conditions shall be allowed make-up privileges. (K-6 Student/parent) (7-12 Students) shall make arrangements with the teacher to make up missed work prior to the absence. Students shall be allowed two school days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with (K-6 student/parent) (7-12 student).

3. ABSENCES EXCUSED/RELEASE TIME FOR RELIGIOUS EXERCISES AND INSTRUCTION (PRIOR NOTIFICATION REQUIRED) (E.C. 46014)

The District will allow release time for students to participate in religious exercises or to receive moral and religious instruction.

A student’s absence will be considered excused, with full rights to make up tests and homework, if the following conditions are complied with:

A. The student has the written consent of his/her parent or guardian indicating the time the student is to be released from school. The written consent must be submitted to the school two days prior to release from school.

B. Verification of attendance at the designated exercise is provided to the school on the first day after the absence.

C. The student attends school on the day of the absence for at least the minimum day (as defined by the Education Code).
   Kindergarten - 180 minutes
   Grades 1-3 - 230 minutes
   Grades 4-12 - 240 minutes

D. No pupil shall be excused from school for such purpose on more than four days per school year.

A student whose absence is authorized according to the above conditions shall be allowed make-up privileges. (K-6 Student/parent) (7-12 Students) shall make arrangements with the teacher to make up missed work prior to the absence. Students shall be allowed two school days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with (K-6 student/parent) (7-12 student).
4. **UNEXCUSED ABSENCES FOR PERSONAL REASONS MADE UP IN SATURDAY SCHOOL (NO PRIOR APPROVAL) (E.C. 37223, 48205)**

   **(K-6)** Students who are absent for personal reasons and who did NOT receive prior approval from the school administrator may be assigned a consequence such as detention, in-school suspension, or Saturday School to make up class work missed because of the unexcused absence.

   **(7-12)** Students who are absent for personal reasons and who did NOT receive prior approval from the school administrator may be assigned to Saturday School to make up class work missed because of the unexcused absence. Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within seven (7) school days after the student returns from the absence.

5. **HOME SUSPENSION / INTERVENTION CENTER [7-12] AND ASSIGNMENT MAKE-UP (E.C. 48913)**

   **A.** Suspensions are considered “excused” absences and assignment make-up shall be allowed if requested by the student or parent.

   **B.** The responsibility of obtaining and doing class work lies with the student/parent. The teacher may require the student to complete any assignments and tests missed during the suspension.

   **C.** Students shall be allowed at least TWO days for each day of suspension to make up the work. Time for make-up may be extended by the teacher.

**ABSENCES - ASSIGNMENT MAKE-UP NOT ALLOWED**

1. **TRUANCY/UNEXCUSED ABSENCES**
   
   Absences which cannot be verified will be considered truant/unexcused.

   Students shall NOT be allowed to make up assignments or tests which were assigned during the truancy/unexcused absence.

   It is the responsibility of the parent/guardian to provide explanation of a student’s absence either by telephone the day of the absence or by note upon the student’s return to school.

   Students who leave the campus or the classroom without proper school authorization will be considered truant.

   If the student has an absence verified at the attendance office at a later time, he/she is NOT allowed make-up privileges unless he/she presents the teacher a verified re-admit slip within ONE (1) day after the student returns to school.

   Written notification will be sent to the parents of a student who is absent from school for a total of three (3) days, 10 days, and 15 days without valid excuse. These notifications will be mailed for absences that are either unexcused or unverified.

**TRUANCY/UNEXCUSED, EXCESSIVE ABSENTEEISM, TARDIES**

(E.C. 37223)

**TRUANCY/UNEXCUSED** (E.C. 48260-48263, 48900 k, 49164)

Students may not be absent from school without approval of the school. (7-12) Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within seven (7) school days after the student returns from the absence. The following represents the procedures which will be followed when a student is absent from school without a valid excuse or is tardy without the school's approval in excess of 30 minutes.

**First Incident** -- The student and parents will be informed of the mandatory attendance laws and the District’s pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as “defiance of authority.” (7-12) Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step.

   **(K-12)** Alternate consequences will be assigned such as detention, Saturday School, (K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

   **Second Incident** -- The student and parents will be informed of the mandatory attendance laws and the District’s pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as “defiance of authority.” (7-12) Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step.

   **(K-12)** Alternate consequences will be assigned such as detention, Saturday School, (K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

   **Third Incident** -- The student and parents will be informed of the mandatory attendance laws and the District’s
Conduct Code - Attendance & Absences

pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as “defiance of authority.” (7-12) Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step. (K-12) The student is a legal truant (absent from school without a valid excuse for three (3) days or tardy in excess of 30 minutes on each of three (3) or more days). (E.C. 48260) (E.C. 48260.5) The school may recommend that the parent/guardian attend school one day with the student.

(K-12) Alternate consequences will be assigned such as detention, Saturday School,
(K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

Fourth Incident--Student will be referred to a school administrator/designee. The student is now a legal habitual truant and shall be within the jurisdiction of the juvenile court which may adjudge the pupil to be a ward of the court. (E.C. 48262) (WIC 601) The school administrator shall call and hold a parent conference. Parents and student are again informed that failure to follow the school’s directive to attend classes will be “defiance of authority” and will be grounds for referral to the School Attendance Review Board and/or (7-12) involuntary transfer to an alternative education program.

(K-12) Alternate consequences will be assigned such as detention, Saturday School,
(K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

(K-12) STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES FOR NINE (9) WEEKS.

(K-12) A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE REVOKED FOR A MAXIMUM OF NINE (9) WEEKS. (E.C. 49164)

(K-12) THE PUPIL MAY BE SUBJECT TO SUSPENSION, RESTRICTION, OR DELAY OF THE PUPIL’S DRIVING PRIVILEGE PURSUANT TO SECTION 13202.7 OF THE VEHICLE CODE. (E.C. 48260.5)

Fifth Incident--Student will be referred to a school administrator. The parents and student will be informed that the next incidence of refusal to attend classes upon the direction of school authorities may result in a recommendation of the student to an alternative education program and possible referral of parent and student to the School Attendance Review Board.

(K-12) Alternate consequences will be assigned such as detention, Saturday School,
(K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

(K-12) STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES FOR AN ADDITIONAL NINE (9) WEEKS.

(K-12) A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE REVOKED FOR A MAXIMUM OF NINE (9) WEEKS. (E.C. 49164)

Sixth Incident--A letter shall be sent certified or by using “proof of service” method to the parents/guardians informing them that their student has had additional incidents of truancy since being declared a legal habitual truant (E.C. 48262) and has been in “persistent defiance of authority.” Parent and student may be referred to the School Attendance Review Board (SARB).

(K-12) Alternate consequences will be assigned such as detention, Saturday School,
(K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

(K-12) STUDENT MAY BE REFERRED TO AN ALTERNATIVE EDUCATION PROGRAM, SUCH AS CONTINUATION HIGH SCHOOL IF THE STUDENT IS SIXTEEN YEARS OF AGE OR OLDER, OR TO OPPORTUNITY SCHOOL/PROGRAM/CLASS IF THE STUDENT IS UNDER SIXTEEN YEARS OF AGE.

(K-12) STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES THE REMAINDER OF THE SCHOOL YEAR AT THE REGULAR CAMPUS.

(K-12) A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE REVOKED BY THE ISSUING AUTHORITY AT THE REGULAR CAMPUS. (E.C. 49164)

EXCESSIVE ABSENTEEISM

Once a pupil accumulates 15 absences (excused or unexcused) during one school year:

1. A school administrator may place the student on Attendance Supervision which imposes a requirement that additional absences must be verified by a licensed medical practitioner. (C.A.C. Title 5 sec. 421 b)
2. A student may not be placed on Attendance Supervision unless the parent/guardian has been notified previously in conference or by letter of the District’s excessive absence policy after that student has been absent 10 days or more.
3. Once a student has been placed on Attendance Supervision, a school administrator/certificated designee
shall call and hold a parent conference. Parent/guardian will again be informed of the District’s excessive absence policy. If the parent/guardian cannot be contacted, the administrator/designee will hold a conference with the student and a certified letter shall be sent informing the parent/guardian that the student is placed on Attendance Supervision and the pertinent provisions of the excessive absence policy.  
4. Parents of a student who is absent from school five (5) or more times without the required verification from a doctor are subject to being referred to the School Attendance Review Board. (E.C. 48320-48324)  
5. (7-12) A student absent from school five (5) or more times without the required verification:  
   A. WILL BE INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES THE REMAINDER OF THE SCHOOL YEAR AT THE REGULAR CAMPUS.  
   B. WILL NOT BE ISSUED A WORK PERMIT OR THE WORK PERMIT WILL BE SUSPENDED OR REVOKED BY THE ISSUING AUTHORITY AT THE REGULAR CAMPUS. (E.C. 49164)  
   C. MAY BE REFERRED TO THE SCHOOL ATTENDANCE REVIEW BOARD.  
   D. MAY BE REFERRED TO AN ALTERNATIVE EDUCATION PROGRAM, SUCH AS CONTINUATION HIGH SCHOOL IF THE STUDENT IS SIXTEEN YEARS OF AGE OR OLDER. (E.C. 48432.5)  

Note: Six (6) period absences equal one (1) full-day absence and will be counted toward the fifteen days.  
Note: Written notification will be sent to the parents of a student who is absent from school for a total of three (3) days, 10 days, and 15 days without valid excuse. These notifications will be mailed for absences that are either unexcused or unverified.  

TARDIES  
One of the responsibilities of each student is to be in the classroom in his/her seat or work station when the bell rings or when class is to begin. Being tardy is irresponsible behavior because it is disruptive to the learning process.  

FIRST, SECOND, AND THIRD TARDY IN EACH CLASS  
Consequences to be determined by each site.  

K-6 Fourth and successive tardies (Parent contact)  
Administrator will assign the student a consequence which may include detention, Partnered Classroom, or Saturday School. Parents may be referred to the Child Welfare and Attendance office or the School Attendance Review Board for excessive tardies or absences incurred by their child.  

7-12 Fourth and subsequent tardies will result in an administrative referral with the following consequences.  
Administrator will assign the student a consequence which may include detention, one period of Intervention Center, Tutoring Center, or Saturday School. Parents may be referred to the Child Welfare and Attendance office or the School Attendance Review Board for excessive tardies or absences incurred by their child.  

STUDENTS OUT OF CLASS WITHOUT WRITTEN AUTHORIZATION FIVE (5) MINUTES AFTER CLASS IS TO BEGIN.  
An administrator or his/her designee(s) will assign the student a consequence which may include work detail/detention/Intervention Center/Saturday School.  

TARDY IN EXCESS OF 10 MINUTES  
If a student is tardy in excess of 10 minutes, but no more than 30 minutes, the teacher has the option of not allowing assignment make-up because of lack of class participation. If the student is tardy in excess of 30 minutes, he/she is truant according to E.C. 48260 and must obtain a re-admit slip from the attendance office indicating “truancy.”  

SATURDAY SCHOOL  
(E.C. 37223)  
The Governing Board of any elementary, high school, or unified school district may maintain classes on Saturday. The Modesto City Schools’ Board of Education approves such classes when appropriate and practicable.  
The classes may include MAKE-UP CLASSES FOR UNEXCUSED ABSENCES occurring during the week. Attendance at Saturday School for unexcused absences will permit the student to make up missed assignments and the absence record will be changed to reflect Saturday School attendance. Unexcused absences must be made up through Saturday School within 20 school days from original absence.  

Attendance at classes conducted on Saturday shall be at the election of the pupil or, in the case of a minor pupil, the parent or guardian of the pupil. However, the Governing Board may require truants, as defined by Section 48260, to attend make-up classes conducted on one day of the weekend.
The Education Code provides for the establishment of School Attendance Review Boards to meet the special needs of pupils with school attendance problems or school behavior problems.

The School Attendance Review Board may include a parent and representatives of (1) the school, (2) the County Probation Department, (3) County Welfare Department, and (4) a representative of the County Superintendent of Schools.

SARB has the authority to recommend that parents and students take certain measures to correct inappropriate behavior, refer the pupil to community agencies for assistance, or suggest adjustments to the school assignment.

In the event that a parent or guardian or pupil fails to respond to the directives of SARB or to services offered on behalf of the minor, SARB may:

1. Direct that the minor be referred to the County Welfare Department under Section 300 of the Welfare and Institutions Code.
2. Direct that the minor be referred to the County Probation Department under Section 601 of the Welfare and Institutions Code.
3. Request the Director, Child Welfare and Attendance, to file a complaint against the parent, guardian, or other person in charge of such minor with the District Attorney.

The parent/guardian of any pupil who fails to comply with the directives of SARB, unless excused or exempted therefrom, is guilty of an infraction and shall be punished as follows:

1. Upon conviction, by a fine of not more than one hundred dollars ($100).
2. Upon a second conviction, by a fine of not more than two hundred fifty dollars ($250).
3. Upon a third or subsequent conviction, by a fine of not more than five hundred dollars ($500).
4. In lieu of imposing the fines prescribed in numbers (1) and (2), the court may order such person to be placed in a parent education and counseling program.
MODesto City Schools  
Administrative Regulation  
AR 5135  

STUDENTS  

Dress and Grooming  
The Modesto City Schools dress code sets standards that promote a positive and safe learning environment for students. Annual notice of this regulation shall be provided to students, parents and staff. Each Site Safety Committee shall regularly review these standards. Appropriate dress for school dances, graduation activities and other special events will be communicated to parents and students by the school.

The following guidelines shall apply to all regular school activities:

Standards  

1. Students shall dress appropriately for educational activities in which they will participate so as not to endanger their health, safety, or welfare, or that of others, or cause a disruption to the educational process. Clothes shall be sufficient to conceal undergarments when sitting or standing, or bending. The following articles of clothing are not permitted:
   • Shorts, skirts, pants, and tops that fail to conceal undergarments, back, abdomen, and cleavage.
   • Back-less or strap-less tops
   • Low-cut tops and dresses
   • Bare-midriff tops
   • Chains of any sort, wallet or utility-type chains
   • See-through or fishnet fabrics that fail to conceal undergarments

2. All attire must fit appropriately and must not be too small or too large. Skirts shorter than mid-thigh are prohibited.

3. Shoes shall be worn at all times. Steel-toed boots and bedroom slippers are prohibited.

4. Athletic/club spirit shirts must have administrative approval and follow dress code standards before printing. Shirts that have a double meaning will be prohibited.

5. Clothing, accessories, and jewelry shall be free of writing, pictures, symbols or any other insignia which are crude, vulgar, profane, obscene, libelous, slandering, or sexually suggestive. Clothing, accessories, or jewelry that degrade any cultural, religious or ethnic values, that advocate racial, ethnic, or religious prejudice or discrimination, or that promote sex, the use of tobacco, drugs, alcohol or violence or any unlawful acts (including gang activity) are prohibited.

6. Dark glasses shall not be worn indoors, except for valid medical reasons authorized by the administration and verified in writing by a physician.

7. Gang-related clothing or accessories, including but not limited to bandannas, or other symbols, emblems, or insignia are prohibited. Gang-related web belts with or without punched out metal buckles are prohibited. School officials shall consider student history and information obtained from community agencies and resources when making these judgments. Dangerous clothing accessories are prohibited (i.e., spiked jewelry, studded collars, studded belts).

8. School Administrators have the right to restrict the color of clothing worn by any student involved in a documented gang offense.

9. Repeated violation of the District or school dress code(s) shall be considered a violation of Education Code section 48900(k): Disruption of school activities and/or willful defiance of valid school personnel authority. Appropriate consequences shall be specified and implemented according to the K-6 and 7-12 discipline policies. **Final determination of what constitutes appropriate dress shall be made by the principal/designee.**

10. Head Covering  
**K-12** Hats, caps and other head coverings are prohibited during regular school hours except as specifically authorized by a school official for such school activities as athletics and theatrical performances or other approved personal reasons such as health needs. Hooded sweatshirts when used to conceal identity are not permitted.
   • **K-6**—During inclement weather, K-6 students may wear protective head coverings outdoors, other than bill caps such as: sweatshirt/jacket hoods, knit caps, scarves, earmuffs, etc.
   • **7-12**—During inclement weather, 7-12 students may wear school-specific knit caps outdoors.

**Note:** According to Education Code 35183.5, sun-protective hats may be worn for health needs. The following specifications are recommended by the American Cancer Society:

"The hat must include a 2-3 inch all around brim to protect areas often exposed to the sun, such as the neck, ears, eyes, forehead, nose, and scalp."

The Board of Education has determined that certain gangs (also known as criminal gangs or street gangs) are operating in and around Modesto. In light of this fact, the Board of Education has also determined that the wearing of gang-related clothing on school premises or during school-sponsored activities threatens the health and safety of the students and impairs the school environment accordingly.

Students may not wear, possess, use, distribute, or display any clothing, color, jewelry, emblem, badge, symbol, colored bandana, or sash which represents or evidences membership or affiliation with any gang or promotes gang-related activity.

Clothing or grooming which has been deemed, through collaboration between Modesto City School District and local law enforcement or other experts, to be gang-related is prohibited. The specific items of clothing prohibited are: Red or blue cloth belts with or without punched out buckles; red or blue shoe laces; any sports related apparel that is known to reference gang association (UNLV, University of Nebraska, red New York Yankees apparel, red Oakland Raiders apparel, red San Francisco Giants apparel), Mongolian haircuts (mostly shaved head with hair only at top or back of head and/or top knot), other hair styles depicting 3 braids/hair bunches with blue binders or 4 braids/hair bunches with red binders; notched eyebrows indicating 13 or 14, clothing including...
any gang symbols or initials including, but not limited to; N, S, SUR (Sureño), Norte (Norteño), Sureño, Norteño, any reference to South Side, West Side, East Side, or North Side, area codes (209, 510, 415, etc.); hair nets, bandanas, doo-rags, or shower caps; gang-associated jackets and clothing; t-shirts with creased sleeves, or creased down the center; and split pant cuffs. Hats and other sun-protective clothing may be worn by students outdoors during inclement weather. However, specific clothing or hats determined to be gang-related or otherwise inappropriate under Board Policy and this regulation are prohibited.

Each school site may provide parents with a site-specific hat policy which may be more restrictive than the items listed within this regulation, and prohibited headgear will be specified. These restrictions are subject to periodic review. Upon consultation with local law enforcement agencies, or other experts, additional rules which restrict gang-associated dress may be instituted by the school principal with notification to students and parents. The school principal may institute additional rules which restrict gang-associated dress without prior notice provided compelling circumstances require such action to be taken and notification is subsequently sent to students and parents within a reasonable time period.

### Gang Activities

The Board of Education believes that the presence of gangs and gang activities has caused and continues to cause a substantial disruption of, or material interference with, school and school activities.

A “gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in, or have engaged in, a pattern of criminal gang activity.

The “pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of a criminal act, provided two or more criminal acts were committed on separate dates or by two or more persons who are members of, or belong to, the same gang.

Students may be suspended, expelled, or excluded for any violation of the rules listed below. By this policy, the Board of Education acts to prohibit the existence of gangs and gang activities as follows:

No student on or about school property or at any school activity:

1. Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership in or affiliation with any gang.
2. Shall commit any act or omission or use any speech, either verbal or non-verbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.
3. Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including, but not limited to:
   a. Soliciting others for membership in any gangs;
   b. Requesting any person to pay for “protection” or otherwise intimidating or threatening any person;
   c. Committing any illegal act or violation of school district policies;
   d. Inciting another student to act with physical violence upon any other person.

### BEHAVIOR EXPECTATIONS AND CONSEQUENCES

Consequences are determined by the number of violations occurring in one school year with the exception of offenses 4, 5, 7, 20, and 24 for K-6 students; and 4, 5, 7, 21, and 25 for 7-12 students. Prior offenses may warrant consequences starting at Step 2.

A school may have additional rules unique to its site as long as they do not conflict with the Student Conduct Code (E.C. 35291.5).

**EXCEPTIONS:** The number of offenses and the consequences relating to extra-curricular activities eligibility for substance abuse violations carry over from year to year in grades 7-8 and 9-12, but not from junior high to high school.

**DURING SUSPENSION:**

1. Student shall not report to school during the period of suspension unless coming to the office on official business by prior arrangement with a school administrator. Student is expected to be under the supervision of a parent during school hours when serving suspension days at home. (7 a.m.-4:30 p.m.) P.C. 653b, P.C. 627.2
2. Student is not to attend any school event at any school campus during home suspension.
3. The responsibility of obtaining and doing class work lies with the student. The teacher may require the student to complete any assignments and tests missed during the suspension.
IMPORTANT NOTICE

1. (E.C. 48900) No pupil shall be suspended or expelled for any of the acts enumerated unless the act is related to school activity or school attendance. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance which occur at any time, including, but not limited to, any of the following:
   a. While on school grounds.
   b. While going to or coming from school.
   c. During the lunch period whether on or off the campus*.
   d. During, or while going to, or coming from, a school sponsored activity.

*All K-12 campuses are closed campuses. This means that students may not leave campus between periods or during lunch.

2. Students accumulating 20 days of home suspension only are subject to involuntary transfer to an alternative program.

3. Disciplinary action will be taken if a student’s behavior is disruptive to the instructional process or causes a danger to persons or property even though the offense is not defined in this Student Conduct Code.

4. (E.C. 48904 sub-section a 4) Parental liability for willful misconduct of a minor that results in injury or death to a pupil or school employee or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or personal property of any school employee shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed the state established limit. The parent or guardian shall also be liable for the amount of any reward not exceeding the state established limit.

5. Students and parents have a right to appeal disciplinary action taken against a student. A meeting must be requested with the principal.

6. DEBTS OWED FOR LOSS OR DAMAGE TO SCHOOL DISTRICT PROPERTY: In grades K-6, parents/guardians will be notified of debts incurred by their students. Any 6th grade student who owes for outstanding school debts will be ineligible to participate in extra-curricular activities, grades 7-12, until the debt is paid or until the student completes a program of voluntary work as provided in Education Code 48904 in lieu of payment. However, attendance, substance abuse, behavior, and classroom citizenship eligibility consequences shall not carry over from elementary school to junior high school. For grades 7-12, see page 51.

7. Search and Seizure: The Board authorizes school officials to conduct searches when there are reasonable grounds or suspicion that the search will uncover evidence that the student is violating the law or the rules of the District or the school. The Board urges that discretion, good judgment, and common sense be exercised in all cases of search and seizure (BP 5145.12). Vehicles are subject to search on school property. By entering school property, the person driving any vehicle is deemed to consent to a complete search of the vehicle--all its compartment and contents--by school officials or law enforcement personnel for any reason whatsoever. This notice applies to all vehicles of any type and is in force 24 hours a day. California Vehicle Code Section 21113 (A)

7-12 CLOSED CAMPUSES

On July 19, 1993 the Board of Education approved the closure of all 7-12 campuses beginning with the 1993-94 school year. This action was taken in order to maximize the District’s efforts to provide a safe and orderly environment for students.

Students may not leave campus between periods or during lunch.

There will be no parent approved or school sanctioned exceptions to this closed campus policy.

NOTE: STUDENTS WHO LEAVE CAMPUS SHALL BE CLASSIFIED TRUANT AND SUBJECT TO DISCIPLINARY ACTION (PAGES 21-22) AND LOSS OF ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES (PAGES 47-53).
**K-6 LEVEL I OFFENSES**

**CAUSES FOR HOME SUSPENSION OR OTHER ALTERNATIVE CONSEQUENCES**

WITH THE EXCEPTION OF SERIOUS VIOLATIONS OF THE STUDENT CONDUCT CODE, CORRECTIVE MEASURES WILL NORMALLY BEGIN AT A MINIMAL LEVEL AND THEN PROCEED TO MORE SERIOUS LEVELS. THESE PROCEDURES MAY INCLUDE BUT ARE NOT LIMITED TO: COUNSELING, PARENT CONFERENCE, BEHAVIOR PLAN, CLASSROOM INTERVENTIONS, COMMUNITY SERVICE, RESTITUTION, CONFLICT RESOLUTION, PARENT SUPERVISION IN SCHOOL, DETENTION, LOSS OF SCHOOL PRIVILEGES, CLASS SUSPENSION, BEHAVIOR CONTRACT, SATURDAY SCHOOL, PARTNERED CLASSROOM, HOME SUSPENSION, ALTERNATIVE EDUCATION TRANSFER, EXPULSION RECOMMENDATION.

LAW ENFORCEMENT AGENCIES MAY BE NOTIFIED AT THE DISCRETION OF THE ADMINISTRATION. IF THE NATURE OF THE OFFENSE MAKES AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION RECOMMENDATION APPROPRIATE, THE STUDENT WILL BE SUSPENDED FIVE DAYS FOR THE INFRACTION.

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**STUDENT MAY BE SUSPENDED ON THE FIRST OFFENSE IF IT IS DETERMINED THAT THE PUPIL’S PRESENCE CAUSES A DANGER TO PERSONS. (E.C. 48900.5)**

**GANG RELATED OFFENSES - A STUDENT MAY BE SUSPENDED FOR FIVE DAYS ON THE FIRST OFFENSE AND RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION.**

**OFFENSES 1-3, 7-8, AND 25-28 ONLY – IF THE SERIOUSNESS OF THE ACT LEADS TO A DETERMINATION THAT THE PRESENCE OF THE STUDENT CAUSES A DANGER TO PERSONS, THE STUDENT MAY BE RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION ON THE FIRST OR SUCCEEDING OFFENSES.**

1. **CAUSING, ATTEMPTING, OR THREATENING TO CAUSE PHYSICAL INJURY OR WILLFULLY USING FORCE OR VIOLENCE UPON ANOTHER PERSON,** except in self-defense. (E.C. 48900, sub-sections (a) (1), (a) (2), r, and s) An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.

   **Note:** An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self-defense.

   1st Offense: 1-day suspension.
   2nd Offense: 3-day suspension and possible recommendation for alternative education program or expulsion.
   3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion.

   **Note:** Any act committed against school staff would warrant consequences starting at Step 2.

   **Note:** If a student caused serious physical injury (as defined in Penal Code Section 243) to another person, except in self-defense, the principal must recommend expulsion or report in writing to the superintendent who will advise the governing board that expulsion is inappropriate due to the nature of the particular circumstances which shall be indicated in the report of the incident. (E.C. 48915).

2. **POSSESSING ANY OBJECTS** of a dangerous nature (unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal) ON CAMPUS if the principal deems expulsion inappropriate. (E.C. 48900 sub-section b)

   **Note:** Toy guns (imitation) are considered objects of a dangerous nature. Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub-section b)
sub-section m). Possession of any toy weapon that appears to be real to a reasonable person or that is used in a threatening manner may result in alternative placement or recommendation for expulsion. (E.C. 48900, sub-section m) Also, see page 35, number 2.

Note: Laser pointers are considered objects of a dangerous nature.

1st Offense: Warning to student and/or other alternative means of correction.
2nd Offense: 1-day suspension.
3rd Offense: 3-day suspension and possible recommendation for alternative education program.

3. **POSSESSING, USING, OR BEING UNDER THE INFLUENCE OF** an alcoholic beverage or intoxicant of any kind. Possessing not more than one ounce of marijuana. Using or being under the influence of marijuana or any controlled substance (as defined in Section 11053 of the Health and Safety Code). (E.C. 48915 and E.C. 48900, sub-section c)

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.
2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Does not include the possession of over-the-counter medication used by the student, or medication prescribed for the student by a physician (AB 2537).

4. **CAUSING OR ATTEMPTING TO CAUSE DAMAGE TO PROPERTY** - cutting, defacing, or otherwise injuring any school district property, or the malicious injury or destruction of any other person’s real or personal property. (Penal Code Sec. 594) (E.C. 48900, sub-section f)

Note: If a prior offense was committed during the previous two school years, damage valued in excess of $25.00 will warrant consequences starting at Step 2.

1st Offense: Behavioral interventions and/or other alternative means of correction.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and recommendation for expulsion.

Note: Parent/guardian will be held responsible for damage to school district property up to the State established limit. When the minor and parent are unable to pay for the damages, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Parents or guardian of the student are also liable for the amount of a reward paid for information leading to the apprehension of person(s) causing damage up to the State established limit. (E.C. 48904).

5. **STEALING OR ATTEMPTING TO STEAL SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section g)

Note: If a prior offense was committed during the previous two school years, stolen items of value greater than $25.00 will warrant consequences starting at Step 2.

1st Offense: Behavioral interventions and/or other alternative means of correction.
2nd Offense: 3-day suspension and possible recommendation for alternative education program.
3rd Offense: 5-day suspension and recommendation for expulsion.

6. **POSSESSING OR USING TOBACCO** (or any products containing tobacco or nicotine products). (E.C. 48900, sub-section h)

Tobacco and nicotine products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (E.C. 48011, sub-section h)

1st Offense: Behavioral interventions and/or other alternative means of correction.
2nd Offense: 2-day suspension.
3rd Offense: 3-day suspension and possible recommendation for alternative education program.

Note: No school shall permit the smoking or use of tobacco, or any product containing tobacco, or nicotine products, by pupils of the school while pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees. (E.C. 48901) Students’ possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited. Confiscated materials will be returned to parents upon request. Confiscated materials will not be returned to students.
7. **COMMITTING AN OBSCENE ACT OR ENGAGING IN HABITUAL PROFANITY OR VULGARITY** either verbally or in writing. (E.C. 48900, sub-section i)

Note: A student may be suspended on the first offense for 5 days if such behavior causes a danger to persons (E.C. 48900.5).

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 1-day suspension.
3rd Offense: 3-day suspension and possible recommendation for alternative education program.

Note: If a prior offense was committed during the previous two school years, any act committed against school staff would warrant consequences starting at Step 2.

8. **UNLAWFULLY POSSESSING OR UNLAWFULLY OFFERING, ARRANGING, OR NEGOTIATING TO SELL ANY DRUG PARAPHERNALIA,** as defined in Section 11014.5 of the Health and Safety Code. (E.C. 48900, sub-section j)

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.
2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

9. **ACTIVATION OF FALSE ALARMS OR TAMPERING WITH EMERGENCY EQUIPMENT, FIRE-SETTING OR ATTEMPTED FIRE-SETTING.** (Penal Code Sec. 447 and 455, 148.4) (E.C. 48900, sub-section k)

   Grades K-3: Behavioral interventions and/or other alternative means of correction.
   Grades 4-6: 1st Offense: 5-day suspension.
                2nd Offense: 5-day suspension.

   Note: Fire-setting of any nature may lead to recommendation for alternative education program on the first offense. Fire-setting is never considered to be a prank. The burning of trash cans can lead to immediate and serious consequences.

10. **CHEATING** (E.C. 48900, sub-section k)

    Grades K-3: Behavioral interventions and/or other alternative means of correction.
    Grades 4-6: 1st Offense: Warning to student and/or alternative means of correction.
               2nd Offense: 1-day suspension.
               3rd Offense: 3-day suspension.

11. **WILLFUL DEFIANCE OR DISOBEDIENCE:** A willful act, verbal or non-verbal, that demonstrates deliberate resistance or refusal to obey a reasonable request or directive issued by a school district employee. Student’s action does not create a safety risk. (E.C. 48900, sub-section k)

    Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator. Suspension (including in-school suspension) may be imposed only after other means of correction have failed to bring about proper conduct unless the student’s presence poses a danger to other persons.

    Examples: Including but not limited to: Chewing gum/eating/drinking in class, willfully defying staff in non-safety related incident, student walking from staff and/or refusing to talk to staff about an incident in non-safety situation, non-habitual use of profanity or vulgarity, verbal insults/put-downs/name calling (non-discriminatory), horseplay, etc.

12. **INTERFERING WITH THE PEACEFUL CONDUCT OF THE CAMPUS OR CLASSROOM:** Any willful act of a minor but annoying nature, verbal or non-verbal, that disrupts the educational process, distracts from the educational environment, or interrupts any administrative, disciplinary, or other activity sponsored or approved by the district. (E.C. 48900, sub-section k)

    Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator. Suspension (including in-school suspension) may be imposed only after other means of correction have failed to bring about proper conduct unless the student’s presence poses a danger to other persons.

    Examples: Including but not limited to: Minor altercation not resulting in actual fight (i.e. pushing/shoving), etc.
**Conduct Code - K-6 Offenses**

13. **WILLFUL DEFIANCE CAUSING A MAJOR CAMPUS OR CLASS DISRUPTION:** Any willful major act of insubordination, verbal or non-verbal, that causes a major campus disruption and significantly distracts from or interrupts the educational environment, or any administrative, disciplinary, or other activity sponsored or approved by the district. Student’s behavior creates a clear threat to the safety of self or others. (Penal Code Sec. 148.1) (E.C. 48900, sub-section k)
   
   Grades K-3: Behavioral interventions and/or other alternative means of correction.  
   Grades 4-6:  
   1st Offense: Warning to student and/or alternative means of correction.  
   2nd Offense: 3-day suspension. (If it is determined that the action created a danger to other persons.)  
   3rd Offense: 5-day suspension. Recommendation for alternative education program. Mandatory removal from campus.  
   Examples: Including but not limited to: Activating a fire alarm, physical altercation, instigating a fight, etc.

14. **FAILING TO IDENTIFY ONES SELF** or giving false information to school personnel. (E.C. 48900, sub-section k)
   
   Grades K-3: Behavioral interventions and/or other alternative means of correction.  
   Grades 4-6:  
   1st Offense: Warning to student and/or alternative means of correction.  
   2nd Offense: 2-day suspension.  
   3rd Offense: 4-day suspension and possible recommendation for alternative education program.

15. **FORGING, FALSIFYING, ALTERING, OR USING FORGED SCHOOL CORRESPONDENCE, PASSES, OR RE-ADMIT SLIPS** (E.C. 48900, sub-section k)
   
   Grades K-3: Behavioral interventions and/or other alternative means of correction.  
   Grades 4-6:  
   1st Offense: Warning to student and/or other alternative means of correction.  
   2nd Offense: 1-day suspension.  
   3rd Offense: 3 day suspension and possible recommendation for alternative education program.

16. **BEHAVIOR ON BUS**
   
   1st Offense: Warning to student and/or alternative means of correction.  
   2nd Offense: Not allowed to ride the bus for 3 days.  
   3rd Offense: Not allowed to ride the bus for 5 days.  
   4th Offense: Not allowed to ride the bus for 10 days.  
   5th Offense: Not allowed to ride the bus for 20 days or the remainder of the current semester/trimester, whichever is greater.  
   6th Offense: Not allowed to ride the bus for the remainder of the school year.  
   
   Note: Depending on the seriousness of the act, the student may lose bus privileges for the remainder of the school year on the first or succeeding offenses.  
   
   Note: Depending on the circumstances, alternatives to suspension from the bus may be used as determined by the site administrator.

17. **LOITERING ON OR ABOUT ANY CAMPUS** without apparent lawful purpose. (E.C. 48900, sub-section k) (Penal Code 653b and 627.2)
   
   Grades K-3: Behavioral interventions and/or other alternative means of correction.  
   Grades 4-6:  
   1st Offense: Warning to student and/or alternative means of correction.  
   2nd Offense: 1-day suspension.  
   3rd Offense: 3-day suspension and possible recommendation for alternative education program.  
   
   Note: A student may be subject to arrest according to Penal Code 653b if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or re-enters or comes upon such school or place after being asked to leave by a school official. According to PC 653b, punishment for loitering includes a fine not to exceed $1,000 and/or imprisonment in the county jail not to exceed six months.

18. **BEING IN A PARKING LOT OR OUT OF BOUNDS** without proper authorization. (E.C. 48900, sub-section k)
   
   Grades K-3: Behavioral interventions and/or other alternative means of correction.  
   Grades 4-6:  
   1st Offense: Warning to student and/or alternative means of correction.  
   2nd Offense: 1-day suspension.  
   3rd Offense: 3-day suspension.
19. **POSSESSING OR USE OF ANY ELECTRONIC SIGNALING OR COMMUNICATION DEVICE**
Students may possess electronic signaling or communication devices that operate through the transmission or receipt of radio waves on campus during the school day, while attending school sponsored activities, or while under the supervision and control of school district employees. Electronic signaling or communication devices shall be turned off and not be visible during class time, unless used for instructional purposes. (BP 5138) (No pupil shall be prohibited from using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and use of which is limited to health-related purposes or during a school-wide emergency affecting the school or community.) (E.C. 48901.5)

1st Offense: Warning to student and/or alternative means of correction. Parent notification.
2nd Offense: Detention, Saturday School, or other alternatives to home suspension.
3rd Offense: Partnered Classroom.

Note: All subsequent violations are subject to additional referrals to in-school suspension.

Note: Unauthorized object may be confiscated by school authorities. The principal/designee will decide whether to return the object to the student or the parent/guardian.

Note: Use of electronic signaling or communication devices to bully, harass or cheat may result in more severe consequences even if such misconduct occurred off-campus and during non-school hours. (E.C. 48900 r)

20. **USE OF SLURS** either verbally or in writing based on race, religion, ethnic background or national origin, language, gender, sexual orientation, economic status, physical or developmental disabilities, or other special needs. (E.C. 48900, sub-section k) (BP 5145.4)

Note: A student may be suspended on the first offense for 5 days if such behavior causes a danger to persons. (E.C. 48900.5)

Grades K-3: Behavioral interventions and/or other alternative means of correction.
Grades 4-6: 1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and possible recommendation for alternative education program.

Note: If a prior offense was committed during the previous two school years, any act committed against school staff would warrant consequences starting at Step 2.

21. **TAMPERING WITH PROPERTY OF THE SCHOOL DISTRICT** or belongings of any other person. (E.C. 48900, sub-section k)

Grades K-3: Behavioral interventions and/or other alternative means of correction.
Grades 4-6: 1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 1-day suspension
3rd Offense: 3-day suspension and possible recommendation for alternative education program.

22. **VIOLATING THE USE OF TECHNOLOGY, NETWORK, AND ELECTRONIC INFORMATION POLICY** (E.C. 48900, sub-section k and t) (BP 6163.4)

Grades K-3: Behavioral interventions and/or other alternative means of correction.
Grades 4-6: 1st Offense: Warning to student and/or loss of network and computer use.
2nd Offense: 1-day suspension and loss of network and computer use.
3rd Offense: 3-day suspension and possible recommendation for alternative education program.

23. **POSSESSING OF ANY OBJECT NOT OF A DANGEROUS NATURE** (i.e. items a school administrator identifies as disruptive.) (E.C. 48900, sub-section k) (Unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.)

Note: Unauthorized object may be confiscated by school authorities. The principal/designee will decide whether to return the object to the student or the parent/guardian.

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: Detention, Saturday School, or other alternatives to home suspension.
3rd Offense: Partnered Classroom.

Note: All subsequent violations are subject to additional referrals to in-school suspension.

24. **KNOWINGLY RECEIVING STOLEN SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section l)

Note: If a prior offense was committed during the previous two school years, stolen items of value greater than $25.00 will warrant consequences starting at Step 2.
Conduct Code - K-6 Offenses

1st Offense:  Behavioral interventions and/or other alternative means of correction.
2nd Offense:  3-day suspension.
3rd Offense:  5-day suspension and recommendation for expulsion.

25. HARASSED, THREATENED, OR INTIMIDATED A PUPIL WHO IS A COMPLAINING WITNESS OR 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. (E.C. 48900, sub-section o, r)
   1st Offense:  5-day suspension and possible recommendation for expulsion.
   2nd Offense:  5-day suspension, recommendation for expulsion.

26. ENGAGING IN, OR HAVING ANY PART IN HAZING or committing any act that injures, degrades, or disgraces any other person attending school. Causing, attempting to cause, threatening to cause, or participating in an act of hate violence. (E.C. Sec. 32050-52) (E.C. Sec. 33032.5) (E.C. 48900, sub-section a and/or k and q) (E.C. 48900.3)
   “Hazing” includes any method of initiation or pre-initiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace. (E.C. 32050)
   1st Offense:  1-day suspension.
   2nd Offense:  3-day suspension.
   3rd Offense:  5-day suspension and recommendation for expulsion.

27. ENGAGING IN AN ACT OF BULLYING, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (E.C. 48900, sub-section r)
   1st Offense:  Warning to student and/or alternative means of correction.
   2nd Offense:  3-day suspension.
   3rd Offense:  5-day suspension and possible recommendation for alternative education program or expulsion.

   Note: Any act committed against school staff would warrant consequences starting at step 2.
   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 a group of pupils as defined in E.C. 48900.2, 48900.3, or 48900.4, directed towards one or more pupils that has been 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 a substantially detrimental effect on his or her physical or mental health.
   C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
   D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

   An “electronic act” is defined as transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web Site by means of an electronic device, including but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. Students may be subject to discipline even if such misconduct occurred off-campus and during non-school hours.

28. THREATENING, INTIMIDATING, MENACING OR HARASSING (INCLUDING SEXUAL HARASSMENT) ANY OTHER PERSON (E.C. 48900 sub-section a, r, and/or k) (E.C. 48900.2) (E.C. 48900.4) Possible removal from campus or separation of student. (See pages 57-60)
   1st Offense:  Warning to student and/or other alternative means of correction.
   2nd Offense:  3-day suspension.
   3rd Offense:  5-day suspension and recommendation for alternative education program or expulsion.

   Note: In the event an allegation of sexual harassment is not resolved informally to the satisfaction of a complainant, the complainant may use the District complaint process for formal resolution of such complaints. (AR 5145.7)
29. **ANY DRESS, GROOMING, OR APPEARANCE** which disrupts, or tends to disrupt the educational process, or affect the health or safety of individuals shall be prohibited. (E.C. 48900, sub-section k) (E.C. 35161, 35183, 35291.5, 35294.1; C.A.C. Title 5, Section 302; and BP 5135, 5135.1, and 5137.) Refer to AR 5135, pages 25-27.

Note: Any attire/paraphernalia/symbol that signifies gang affiliation will not be allowed on campus. Any attire/paraphernalia/symbol that displays a logo or other message promoting alcohol or controlled substances, promoting violence, illegal activity, or relating to gangs may not be worn on campus.

Note: In addition to this Conduct Code, schools may have additional rules approved by School Safety Committees.

1st Offense: Warning to student. Notification of parent. Student may be sent home to dress properly, if necessary.

2nd Offense: Detention, Saturday School, or other alternatives to home suspension.

3rd Offense: Partnered Classroom.

Note: All subsequent violations are subject to additional referrals to in-school suspension.

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**K-6 LEVEL II OFFENSES**

**SUSPENSION REQUIRED**

**POSSIBLE RECOMMENDATION FOR EXPULSION**

1. **CAUSED SERIOUS PHYSICAL INJURY** to another person, except in self-defense. (E.C. 48915 sub-section (a) (1) and 48900, sub-section a) An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.

   1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

   2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

   Note: “Serious bodily injury” means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. (P.C. 243 (f) (4))

   Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self-defense.

2. **POSSESSED, SOLD, OR OTHERWISE FURNISHED ANY FIREARM, KNIFE, EXPLOSIVE, OR OTHER DANGEROUS OBJECT** of no reasonable use to the pupil on school grounds or at a school related activity off school grounds unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915 sub-section (a) (2) and 48900, sub-section b)

   Note: A knife includes, but is not limited to, a dirk, dagger, ice pick, razor any folding blade knife, any locking blade knife, fixed blades longer than 3 ½”, or objects with a fixed, sharpened blade designed to cut or stab.

   Note: Furnishing, or possessing an imitation controlled substance (look-a-likes) with the intent to distribute will result in a recommendation for expulsion. Imitation controlled substances are considered “dangerous objects.” This offense is also in violation of Health and Safety Code 11680.

   Note: Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub-section m)

   Note: Possession of tear gas/tear gas weapon/pepper spray is considered a dangerous object. (Penal Code Sec. 12401, 12402) (E.C. 49330)
Conduct Code - K-6 Offenses

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

3. **UNLAWFUL POSSESSION ANY CONTROLLED SUBSTANCE** as listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, except for the first offense of possession of not more than one ounce of marijuana, other than concentrated cannabis. (E.C. 48915 sub-section (a) (3) and E.C. 48900, sub-section c, 48900 sub-section p)

   1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

   2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

   3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

   Note: Does not include the possession of over-the-counter medication used by the student, or medication prescribed for the student by a physician (AB 2537).

4. **COMMITTED OR ATTEMPTED TO COMMIT ROBBERY OR EXTORTION** (E.C. 48915 sub-section (a) (4) and 48900 sub-section e)

   1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

   2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

5. **COMMITTED ASSAULT OR BATTERY ON SCHOOL PERSONNEL** (Penal Code Sec. 240, 242) (E.C. 48915 sub-section (a) (5) and E.C. 48900, sub-section a, E.C. 44014)

   1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

   2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

6. **FURNISHED OR SOLD ANY CONTROLLED SUBSTANCE** listed in Chapter 2 (as defined in Section 11053 of the Health and Safety Code), an alcoholic beverage, or an intoxicant of any kind. (E.C. 48915 and E.C. 48900, sub-section c, 48900 sub-section p)

   1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

   2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

7. **OFFERED, ARRANGED, OR NEGOTIATED TO SELL ANY CONTROLLED SUBSTANCE** defined in Section 11053 of the Health and Safety Code, alcoholic beverage, or intoxicant and then sold, delivered, or furnished look-a-likes or in lieu substances. (E.C. 48900, sub-section d)

   1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

   2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

8. **COMMITTED A TERRORISTIC THREAT** including, but not limited to, a bomb threat. (E.C. 48900.7) This includes any threatening statement, written or oral, which threatens death, great bodily injury or property damage in excess of $1000, even if there is no intent of actually carrying it out.

   1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

   2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

   Note: The elements of a Terroristic Threat include the intent that the statement be taken as a serious threat, the gravity and immediacy of the threat is unequivocal, unconditional, immediate and specific, and causes sustained fear in the person/people threatened.
K-6 LEVEL III OFFENSES

RECOMMENDATION FOR EXPULSION MANDATED BY LAW

E.C. 48915 (c)

“Expulsion” means removal of a pupil from the supervision and control of school personnel.

These are serious offenses and notification of appropriate law enforcement agency is required.

1. **POSSESSING, SELLING, OR OTHERWISE FURNISHING A FIREARM**, unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915, sub-section (c) (1))

   **1st Offense:** 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

2. **BRANDISHING A KNIFE AT ANOTHER PERSON** (E.C. 48915 sub-section (c) (2))

   **1st Offense:** 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

   Note: Brandishing means to display or wield in a threatening manner.

3. **UNLAWFULLY SELLING A CONTROLLED SUBSTANCE** listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (E.C. 48915 sub-section (c) (3))

   **1st Offense:** 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

4. **COMMITTED OR ATTEMPTED TO COMMIT A SEXUAL ASSAULT** as defined in Sections 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (E.C 48915 sub-section (c) (4) and E.C. 48900, sub-section n)

   **1st Offense:** 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

5. **POSSESSION OF AN EXPLOSIVE** (E.C. 48915 sub-section (c) (5))

   **1st Offense:** 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
7-12 LEVEL I OFFENSES
CAUSES FOR HOME SUSPENSION OR OTHER ALTERNATIVE CONSEQUENCES

(See pages 47-53 regarding extra-curricular activities eligibility)

WITH THE EXCEPTION OF SERIOUS VIOLATIONS OF THE STUDENT CONDUCT CODE, CORRECTIVE MEASURES WILL NORMALLY BEGIN AT A MINIMAL LEVEL AND THEN PROCEED TO MORE SERIOUS LEVELS. THESE PROCEDURES MAY INCLUDE BUT ARE NOT LIMITED TO: COUNSELING, PARENT CONFERENCE, BEHAVIOR PLAN, CLASSROOM INTERVENTIONS, COMMUNITY SERVICE, RESTITUTION, CONFLICT RESOLUTION, PARENT SUPERVISION IN SCHOOL, DETENTION, LOSS OF SCHOOL PRIVILEGES, CLASS SUSPENSION, BEHAVIOR CONTRACT, SATURDAY SCHOOL, INTERVENTION CENTER (IC), HOME SUSPENSION, ALTERNATIVE EDUCATION TRANSFER, EXPULSION RECOMMENDATION.

LAW ENFORCEMENT AGENCIES MAY BE NOTIFIED AT THE DISCRETION OF THE ADMINISTRATION.

IF THE NATURE OF THE OFFENSE MAKES AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION RECOMMENDATION APPROPRIATE, THE STUDENT WILL BE SUSPENDED FIVE DAYS FOR THE INFRACTION.

**STUDENT MAY BE SUSPENDED ON THE FIRST OFFENSE IF IT IS DETERMINED THAT THE PUPIL'S PRESENCE CAUSES A DANGER TO PERSONS. (E.C. 48900.5)**

**GANG RELATED OFFENSES - A STUDENT MAY BE SUSPENDED FOR FIVE DAYS ON THE FIRST OFFENSE AND RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION.**

**OFFENSES 1-3, 7-8, AND 26-29 ONLY – IF THE SERIOUSNESS OF THE ACT LEADS TO A DETERMINATION THAT THE PRESENCE OF THE STUDENT CAUSES A DANGER TO PERSONS, THE STUDENT MAY BE RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION ON THE FIRST OR SUCCEEDING OFFENSES.**

1. **CAUSING, ATTEMPTING, OR THREATENING TO CAUSE PHYSICAL INJURY OR WILLFULLY USING FORCE OR VIOLENCE UPON ANOTHER PERSON**
   (E.C. 48900, sub-sections (a) (1), (a) (2), r, and s) An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.
   
   Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self-defense.

   1st Offense: 3-day suspension.
   2nd Offense: 5-day suspension and possible recommendation for alternative education program or expulsion.
   3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion.

   Note: Any act committed against school staff shall warrant consequences starting at Step 2.

   Note: If a student caused serious physical injury (as defined in Penal Code Section 243) to another person, except in self-defense, the principal must recommend expulsion or report in writing to the superintendent who will advise the governing board that expulsion is inappropriate due to the nature of the particular circumstances which shall be indicated in the report of the incident. (E.C. 48915).
2. **POSSESSING ANY OBJECTS** of a dangerous nature (unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal) ON CAMPUS if the principal deems expulsion inappropriate. (E.C. 48900 sub-section b)

Note: Toy guns (imitation) are considered objects of a dangerous nature. Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub-section m). Possession of any toy weapon that appears to be real to a reasonable person or that is used in a threatening manner may result in alternative placement or recommendation for expulsion. (E.C. 48900, sub-section m) Also, see page 45, number 2.

Note: Laser pointers are considered objects of a dangerous nature.

1st Offense: Warning to student. Notification of parent and/or other alternative means of correction.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and possible recommendation for alternative education program.

3. **POSSESSING, USING, OR BEING UNDER THE INFLUENCE OF** an alcoholic beverage or intoxicant of any kind. Possessing not more than one ounce of marijuana. Using or being under the influence of marijuana or any controlled substance (as defined in Section 11053 of the Health and Safety Code). (E.C. 48915 and E.C. 48900, sub-section c)

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.

Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.

Ineligibility for extra-curricular activities would then be reduced from eighteen school weeks to nine school weeks.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Does not include possession of over-the-counter medication used by the student, or medication prescribed for the student by a physician (AB 2537).

Note: Students appearing at school functions and having consumed or having in their possession alcoholic beverages or drugs may be handled by police action. (Penal Code Sec. 647) (Health and Safety Code Sec. 11550)

4. **CAUSING OR ATTEMPTING TO CAUSE DAMAGE TO PROPERTY** - cutting, defacing, or otherwise injuring any school district property, or the malicious injury or destruction of any other person's real or personal property. (Penal Code Sec. 594) (E.C. 48900, sub-section f)

Note: If a prior offense was committed during the previous three school years, damage valued in excess of $25.00 will warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.

1st Offense: Behavioral interventions and/or other alternative means of correction.

2nd Offense: 3-day suspension and possible recommendation for alternative education program.

3rd Offense: 5-day suspension and recommendation for expulsion.

Note: Parent/guardian will be held responsible for damage to school district property up to the State established limit. When the minor and parent are unable to pay for the damages, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Parents or guardian of the student are also liable for the amount of a reward paid for information leading to the apprehension of person(s) causing damage up to the State established limit. (E.C. 48904)

5. **STEALING OR ATTEMPTING TO STEAL SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section g)

Note: If a prior offense was committed during the previous three school years, stolen items of value greater than $25.00 will warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.
6. **POSSESSING OR USING TOBACCO** (or any products containing tobacco or nicotine products) in grades 7-12. (E.C. 48900, sub-section h)

Tobacco and nicotine products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (E.C. 48900, sub-section h)

1st Offense: Behavioral interventions and/or other alternative means of correction.
2nd Offense: 2-day suspension.
3rd Offense: 3-day suspension.

Note: No school shall permit the smoking or use of tobacco, or any product containing tobacco, or nicotine products, by pupils of the school while pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees. (E.C. 48901)

Students’ possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited. Confiscated materials will be returned to parents upon request. Confiscated materials will not be returned to students.

7. **COMMITTING AN OBSCENE ACT OR ENGAGING IN HABITUAL PROFANITY OR VULGARITY** either verbally or in writing. (E.C. 48900, sub-section i)

Note: A student may be suspended on the first offense for 5 days if such behavior causes a danger to persons (E.C. 48900.5).

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and possible recommendation for alternative education program.

Note: If a prior offense was committed during the previous three school years, any act committed against school staff will warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.

8. **UNLAWFULLY POSSESSING OR UNLAWFULLY OFFERING, ARRANGING, OR NEGOTIATING TO SELL ANY DRUG PARAPHERNALIA**, as defined in Section 11014.5 of the Health and Safety Code. (E.C. 48900, sub-section j)

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.

Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.

Ineligibility for extra-curricular activities would then be reduced from eighteen school weeks to nine school weeks.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

9. **ACTIVATION OF FALSE ALARMS OR TAMPERING WITH EMERGENCY EQUIPMENT, FIRE-SETTING OR ATTEMPTED FIRE-SETTING.** (Penal Code Sec. 447 and 455, 148.4) (E.C. 48900, sub-section k)

1st Offense: 5-day suspension.
2nd Offense: 5-day suspension.

Note: Fire-setting of any nature may lead to recommendation for alternative education program or expulsion on the first offense. Fire-setting is never considered to be a prank. The burning of trash cans can lead to immediate and serious consequences.

10. **CHEATING** (E.C. 48900, sub-section k)

1st Offense: Warning to student. “F” on assignment/test.
2nd Offense: 2-day suspension. “F” on assignment/test.
3rd Offense: 4-day suspension. “F” on assignment/test.
11. **WILLFUL DEFIANCE OR DISOBEDIENCE**: A willful act, verbal or non-verbal, that demonstrates deliberate resistance or refusal to obey a reasonable request or directive issued by a school district employee. (E.C. 48900, sub-section k)

Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator. Suspension (including Intervention Center) may be imposed only after other means of correction have failed to bring about proper conduct unless the student’s presence poses a danger to other persons.

Examples: Including but not limited to: Eating/drinking in class, willfully defying staff in non-safety related incident, non-habitual use of profanity or vulgarity, verbal insults/put-downs/name calling (non-discriminatory), horseplay, etc.

12. **INTERFERING WITH THE PEACEFUL CONDUCT OF THE CAMPUS OR CLASSROOM**: Any willful act of a minor but annoying nature, verbal or non-verbal, that disrupts the educational process, distracts from the educational environment, or interrupts any administrative, disciplinary, or other activity sponsored or approved by the district. (E.C. 48900, sub-sections k, r)

Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator. Suspension (including Intervention Center) may be imposed only after other means of correction have failed to bring about proper conduct unless the student’s presence poses a danger to other persons.

Examples: Including but not limited to: Minor altercation not resulting in actual fight (i.e. pushing/shoving), etc.

13. **WILLFUL DEFIANCE CAUSING A MAJOR CAMPUS OR CLASS DISRUPTION**: Any willful major act of insubordination, verbal or non-verbal, that causes a major campus disruption, creates a danger to other persons, and severely distracts from or interrupts the educational environment, or any administrative, disciplinary, or other activity sponsored or approved by the District. (Penal code Sec. 148.1) (E.C. 48900, sub section k)

1st Offense: 5-day suspension. (If it is determined that the action created a danger to other persons.)
2nd Offense: 5-day suspension. Recommendation for alternative education program. Mandatory removal from campus.

Examples: Including but not limited to: Activating a fire alarm, physical altercation, instigating a fight, etc.

14. **FAILING TO IDENTIFY ONESELF** or giving false information to school personnel. (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 2-day suspension.
3rd Offense: 4-day suspension and possible recommendation for alternative education program.

15. **FORGING, FALSIFYING, ALTERING, OR USING FORGED SCHOOL CORRESPONDENCE, PASSES, OR RE-ADMIT SLIPS** (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or other alternative means of correction.
2nd Offense: 2-day suspension.
3rd Offense: 4-day suspension and possible recommendation for alternative education program.

16. **GAMBLING AND WAGERING**, or habitually being present where gambling and wagering are taking place. (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 2-day suspension.
3rd Offense: 4-day suspension and possible recommendation for alternative education program.

17. **BEHAVIOR ON BUS**

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: Not allowed to ride the bus for 3 days.
3rd Offense: Not allowed to ride the bus for 5 days.
4th Offense: Not allowed to ride the bus for 10 days.
5th Offense: Not allowed to ride the bus for 20 days or the remainder of the current semester/trimester, whichever is greater.
6th Offense: Not allowed to ride the bus for the remainder of the school year.
Note: Depending on the seriousness of the act, the student may lose bus privileges for the remainder of the school year on the first or succeeding offenses.

18. **LOITERING ON OR ABOUT ANY CAMPUS** without apparent lawful purpose. (E.C. 48900, sub-section k) (Penal Code 653b and 627.2)

Note: A student may be subject to arrest according to Penal Code 653b if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or re-enters or comes upon such school or place after being asked to leave by a school official. According to PC 653b, punishment for loitering includes a fine not to exceed $1,000 and/or imprisonment in the county jail not to exceed six months.

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 2-day suspension.
3rd Offense: 4-day suspension and possible recommendation for alternative education program.

19. **BEING IN A PARKING LOT OR OUT OF BOUNDS** without proper authorization. (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 1-day suspension.
3rd Offense: 3-day suspension.

20. **POSSESSING OR USE OF ANY ELECTRONIC SIGNALING OR COMMUNICATION DEVICE**: Students may possess electronic signaling or communication devices that operate through the transmission or receipt of radio waves on campus during the school day, while attending school-sponsored activities, or while under the supervision and control of a school district employee. Electronic signaling or communication devices shall be turned off and not be visible during class time, unless used for instructional purposes. (BP 5138) (No pupil shall be prohibited from using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and use of which is limited to health-related purposes or during a school-wide emergency affecting the school or community.) (E.C. 48901.5)

1st Offense: Warning to student and/or alternative means of correction. Parent notification.
2nd Offense: Detention, Saturday School, or other alternatives to home suspension.
3rd Offense: 1-day Intervention Center.

Note: All subsequent violations are subject to additional referrals to Intervention Center.

Note: Unauthorized object may be confiscated by school authorities. The principal/designee will decide whether to return the object to the student or the parent/guardian.

Note: Use of electronic signaling or communication devices to bully, harass or cheat may result in more severe consequences even if such misconduct occurred off-campus and during non-school hours. (E.C. 48900 r)

21. **USE OF SLURS** either verbally or in writing based on race, religion, ethnic background or national origin, language, gender, sexual orientation, economic status, physical or developmental disabilities, or other special needs. (E.C. 48900, sub-section k) (BP 5145.4)

Note: A student may be suspended on the first offense for 5 days if such behavior causes a danger to persons. (E.C. 48900.5)

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and possible recommendation for alternative education program.

Note: If a prior offense was committed during the previous three school years, any act committed against school staff would warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.

22. **TAMPERING WITH PROPERTY OF THE SCHOOL DISTRICT** or belongings of any other person. (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 2-day suspension.
3rd Offense: 4-day suspension and possible recommendation for alternative education program.
23. **VIOLATING THE USE OF TECHNOLOGY, NETWORK, AND ELECTRONIC INFORMATION POLICY** (E.C. 48900, sub-sections k and t) (BP 6163.4)
   - 1st Offense: Warning to student and loss of network and computer use.
   - 2nd Offense: 1-day suspension and loss of network and computer use.
   - 3rd Offense: 3-day suspension and possible recommendation for alternative education program.

24. **POSSESSION OF ANY OBJECT NOT OF A DANGEROUS NATURE** (i.e. items a school administrator identifies as disruptive.) (E.C. 48900, sub-section k) (Unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.)
   - Note: Unauthorized object may be confiscated by school authorities. The principal/designee will decide whether to return the object to the student or the parent/guardian.
   - 1st Offense: Warning to student and/or alternative means of correction.
   - 2nd Offense: Detention, Saturday School, or other alternatives to home suspension.
   - 3rd Offense: 1-day Intervention Center.
   - Note: All subsequent violations are subject to additional referrals to Intervention Center.
   - Note: Modesto City Schools is not responsible for the loss or damage of personal property, because of vandalism or theft. Students are responsible for all of their personal belongings.

25. **KNOWINGLY RECEIVING STOLEN SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section l)
   - Note: If a prior offense was committed during the previous three school years, stolen items of value greater than $25.00 will warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.
   - 1st Offense: Behavioral interventions and/or other alternative means of correction.
   - 2nd Offense: 4-day suspension and recommendation for alternative education program.
   - 3rd Offense: 5-day suspension and recommendation for expulsion.
   - Mandatory removal from campus.

26. **HARASSED, THREATENED, OR INTIMIDATED A PUPIL WHO IS A COMPLAINING WITNESS OR WITNESS IN A SCHOOL DISCIPLINARY PROCEEDING** for the purpose of preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (E.C. 48900, sub-sections o, r)
   - 1st Offense: 5-day suspension and possible recommendation for expulsion.
   - 2nd Offense: 5-day suspension, recommendation for alternative education program or expulsion.
   - Mandatory removal from campus.

27. **ENGAGING IN, OR HAVING ANY PART IN HAZING** or committing any act that injures, degrades, or disgraces any other person attending school. Causing, attempting to cause, threatening to cause, or participating in an act of hate violence. (E.C. Sec. 32050-52) (E.C. Sec. 33032.5) (E.C. 48900, sub-sections a and/or k and q) (E.C. 48900.3)
   - “Hazing” includes any method of initiation or pre-initiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace. (E.C. 32050)
   - 1st Offense: 2-day suspension.
   - 2nd Offense: 4-day suspension and recommendation for alternative education program.
   - 3rd Offense: 5-day suspension and recommendation for expulsion.

28. **ENGAGING IN AN ACT OF BULLYING**, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (E.C. 48900, sub-section r)
   - 1st Offense: Warning to student and/or alternative means of correction.
   - 2nd Offense: 3-day suspension.
   - 3rd Offense: 5-day suspension and possible recommendation for alternative education program or expulsion.
   - Note: Any act committed against school staff would warrant consequences starting at step 2.

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 a group of pupils as defined in E.C. 48900.2, 48900.3, or 48900.4, directed towards one or more pupils that has been or can be reasonably predicted to have the effect of one or more of the following:
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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 a substantially detrimental effect on his or her physical or mental health. 
C) Causing a reasonable pupil to experience substantial interference with his or her academic performance. 
D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

An “electronic act” is defined as transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web Site by means of an electronic device, including but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. Students may be subject to discipline even if such misconduct occurred off-campus and during non-school hours.

29. THREATENING, INTIMIDATING, MENACING OR HARASSING (INCLUDING SEXUAL HARASSMENT) ANY OTHER PERSON (E.C. 48900 sub-sections a, r and/or k) (E.C. 48900.2) (E.C. 48900.4) Possible removal from campus or separation of student. (See pages 57-60)

1st Offense: Warning to student and/or other alternative means of correction. 
2nd Offense: 3-day suspension. 
3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion. 

Note: In the event an allegation of sexual harassment is not resolved informally to the satisfaction of a complainant, the complainant may use the District complaint process for formal resolution of such complaints. (AR 5145.7)

30. ANY DRESS, GROOMING, OR APPEARANCE which disrupts, or tends to disrupt the educational process, or affect the health or safety of individuals shall be prohibited. (E.C. 48900, sub-section k) (E.C. 35161, 35183, 35291.5, 35294.1; C.A.C. Title 5, Section 302; and BP 5135, 5135.1, and 5137.) Refer to AR 5135 on pages 25-27.

Note: Any attire/paraphernalia/symbol that signifies gang affiliation will not be allowed on campus. 
Any attire/paraphernalia/symbol that displays a logo or other message promoting alcohol or controlled substances, promoting violence, illegal activity, or relating to gangs may not be worn on campus. 

Note: In addition to this Conduct Code, schools may have additional rules approved by School Safety Committees.

1st Offense: Warning to student. Notification of parent. Student may be sent home to dress properly, if necessary. 
2nd Offense: Detention, Saturday School, or other alternatives to home suspension. 
3rd Offense: 1-day Intervention Center. 

Note: All subsequent violations are subject to additional referrals to in-school suspension.

7-12 LEVEL II OFFENSES
SUSPENSION REQUIRED POSSIBLE RECOMMENDATION FOR EXPULSION
(See pages 47-53 regarding extra-curricular activities eligibility)

1. CAUSED SERIOUS PHYSICAL INJURY to another person, except in self-defense. (E.C. 48915 subsection (a) (1) and 48900, sub-section a). An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense. 

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency. 
2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. 

Note: “Serious bodily injury” means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. (P.C. 243 (f) (4)

Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self-defense.
2. **POSSESSED, SOLD, OR OTHERWISE FURNISHED ANY FIREARM, KNIFE, EXPLOSIVE, OR OTHER DANGEROUS OBJECT** of no reasonable use to the pupil on school grounds or at a school related activity off school grounds unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915 sub-section (a) (2) and 48900, sub-section b)

Note: A knife includes, but is not limited to, a dirk, dagger, ice pick, razor any folding blade knife, any locking blade knife, fixed blades longer than 3 ½”, or objects with a fixed, sharpened blade designed to cut or stab. (E.C. 48915 sub-section g)

Note: Furnishing or possessing an imitation controlled substance (look-a-likes) with the intent to distribute will result in a recommendation for expulsion. Imitation controlled substances are considered “dangerous objects.” This offense is also in violation of Health and Safety Code 11680.

Note: Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub-section m).

Note: Possession of tear gas/tear gas weapon/pepper spray is considered a dangerous object. (Penal Code Sec. 12401, 12402) (E.C. 49330)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

3. **UNLAWFUL POSSESSION ANY CONTROLLED SUBSTANCE** as listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, except for the first offense of possession of not more than one ounce of marijuana, other than concentrated cannabis. (E.C. 48915 sub-section (a) (3) and E.C. 48900, sub-sections c, p)

1st Offense: 5-day suspension, suspension reductions (see page 39, number 3) - and notification of appropriate law enforcement agency.

Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Does not include possession of over-the-counter medication used by the student, or medication prescribed for the student by a physician (AB 2537).

4. **COMMITTED OR ATTEMPTED TO COMMIT ROBBERY OR EXTORTION** (E.C. 48915 sub-section (a) (4) and 48900 sub-section e)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

5. **COMMITTED ASSAULT OR BATTERY ON SCHOOL PERSONNEL** (Penal Code Sec. 240, 242) (E.C. 48915 sub-section (a) (5) and E.C. 48900, sub-section a, E.C. 44014)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

6. **FURNISHED OR SOLD ANY CONTROLLED SUBSTANCE** listed in Chapter 2 (as defined in Section 11053 of the Health and Safety Code), an alcoholic beverage, or an intoxicant of any kind. (E.C. 48915 and E.C. 48900, sub-sections c, p)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
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2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

7. OFFERED, ARRANGED, OR NEGOTIATED TO SELL ANY CONTROLLED SUBSTANCE defined in Section 11053 of the Health and Safety Code, alcoholic beverage, or intoxicant and then sold, delivered, or furnished look-a-likes or in lieu substances. (E.C. 48900, sub-section d)
   1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
   2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

8. COMMITTED A TERRORISTIC THREAT including, but not limited to, a bomb threat. (E.C. 48900.7)
   This includes any threatening statement, written or oral, which threatens death, great bodily injury or property damage in excess of $1,000, even if there is no intent of actually carrying it out.
   1st offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
   2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

   Note: The elements of a Terroristic Threat include the intent that the statement be taken as a serious threat, the gravity and immediacy of the threat is unequivocal, unconditional, immediate and specific, and causes sustained fear in the person/people threatened.

7-12 LEVEL III OFFENSES

RECOMMENDATION FOR EXPULSION MANDATED BY LAW
E.C. 48915(c)

“Expulsion” means removal of a pupil from the supervision and control of school personnel.
These are serious offenses and notification of appropriate law enforcement agency is required.
(See pages 47-53 regarding extra-curricular activities eligibility)

1. POSSESSING, SELLING, OR OTHERWISE FURNISHING A FIREARM, unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915, subdivision (c) (1))
   1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

2. BRANDISHING A KNIFE AT ANOTHER PERSON (E.C. 48915 sub-section (c) (2))
   1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

   Note: Brandishing means to display or wield in a threatening manner.

3. UNLAWFULLY SELLING A CONTROLLED SUBSTANCE listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (E.C. 48915 sub-section (c) (3))
   1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

4. COMMITTED OR ATTEMPTED TO COMMIT A SEXUAL ASSAULT as defined in Sections 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (E.C 48915 sub-section (c) (4) and E.C. 48900, sub-section n)
   1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

5. POSSESSION OF AN EXPLOSIVE (E.C. 48915 sub-section (c) (5))
   1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
CLASSROOM CITIZENSHIP EXPECTATIONS AND CONSEQUENCES

OVERVIEW
It is one of the school’s duties to assist parents in helping students develop responsible attitudes and behavior. This means preparing students for adult citizenship as well as preparing them for jobs and higher education. For this reason it is as important for the school to teach and evaluate citizenship as it is to teach and evaluate academic work.

THE CITIZENSHIP MARK
Students will receive a quarterly citizenship mark from each of their classroom teachers. The mark will be based solely on the citizenship displayed in each teacher’s classroom. Students will receive a mark of “outstanding,” “satisfactory,” or “unsatisfactory” based on the “Citizenship Guidelines.”

The citizenship mark for each class will be shown on the student’s report card. Citizenship marks will not be shown on the student’s transcript or other permanent records.

CITIZENSHIP GUIDELINES FOR STUDENTS AND PARENTS
The following criteria shall be used in determining a student’s citizenship mark in his/her class:

1. Attends class daily. Three or more unexcused absences will result in an unsatisfactory citizenship mark.
2. Comes to class on time. Five or more unexcused tardies in a quarter will result in an unsatisfactory citizenship mark.
3. Comes to class with necessary materials.
4. Turns in assignments/homework/projects on time.
5. Does his/her own work when independent work is required; does not cheat.
6. Exercises reasonable care of school property.
7. Shows respect for others.
8. Does not disrupt class; exercises good conduct.

Teachers are required, based on the above “Citizenship Guidelines,” to establish written classroom rules regarding students’ expected classroom behavior. These written expectations, “Citizenship Mark Guidelines,” will be provided to students at the beginning of the year or when new students transfer into the class.

Teachers are also required to discuss these standards with their students and explain their expectations at the beginning of each semester.

If a student’s citizenship mark is unsatisfactory at the time progress reports are issued, the fact WILL be noted on the progress report. However, if a student’s citizenship becomes unsatisfactory after that point, teachers may issue such a mark without a progress report.

APPEAL OF CITIZENSHIP MARK
Students and parents have the right to appeal citizenship marks which they feel are in error or unjustified.

1. The parent/guardian and/or student shall first contact the teacher to gain clarification as to the reason the unsatisfactory citizenship mark was given.
2. If the parent/guardian and teacher do not resolve the concern and the parent/guardian still feels the citizenship mark is in error, then the parent/guardian may appeal the citizenship mark to a site committee made up of one administrator and at least two teachers. A meeting with the committee must be requested within two weeks after the citizenship marks are released to students. (The committee will meet and make a decision within one week of the parent appeal request.)
3. The parent/guardian may appeal the decision of the committee to the school principal.
4. The parent/guardian may appeal the decision of the principal to the Superintendent’s designee, the Director of Educational Services 7-12.
5. The parent/guardian may request in writing that the Board of Education hear the appeal of the decision of the Director of Educational Services 7-12.
6. A student who has lost privileges remains in the status pending resolution of the appeal.

Note: Because students who receive two or more unsatisfactory citizenship marks are ineligible to participate in extra-curricular activities, it is extremely important that any appeal to the next level be made IMMEDIATELY (within two days) following a decision at a lower level.

LOSS OF PRIVILEGES/EXTRA-CURRICULAR/CO-CURRICULAR ACTIVITIES
It is the goal of the District to work with parents to assist students in becoming self-directed and responsible for their own behavior.

When students do not meet the clearly defined and communicated expectations outlined in this Student Conduct Code, the student will not be allowed to participate in extra-curricular activities. Extra-curricular activities include activities that are not associated with a class and activities in which students do not receive a grade.
Co-curricular activities are related to a class in which the student earns an academic grade. Extra-curricular activities are limited to:

1. After school recreation (7-8)
2. Student clubs (9-12)
3. Special field trips not a part of regular classroom work (7-12)*
4. School dances (7-8)
5. School assemblies (7-8)
6. Extra-curricular public performances of music, dance, drama, and speech (the loss of these privileges shall not apply to class activities to publicize and/or promote school activities and feeder schools which are conducted during the school day) (7-12)

* NOTE: THE PRINCIPAL/DESIGNEE MAY MAKE EXCEPTIONS REGARDING ACADEMIC AND ATTENDANCE INELIGIBILITY ONLY, FOR SPECIAL FIELD TRIPS NOT A PART OF REGULAR CLASSROOM WORK (7-12). HOWEVER, SUCH FIELD TRIPS MUST BE DIRECTLY RELATED TO THE EDUCATIONAL PROGRAM.

** NOTE: An Extra-Curricular/Co-Curricular Activity Ineligibility Criteria Chart is included at the end of this section. The chart specifies the activity and the criteria the District shall use for determining ineligibility for participating in said activity.

**EXTRA-CURRICULAR ACTIVITY ELIGIBILITY**

1. **ACADEMIC**

In order for a pupil to participate in the extra-curricular activities listed above, as well as athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12), the pupil shall achieve a grade point average of 2.0 with no more than one “F.”

**Grades 7-8**

The eligibility grading periods shall be the first quarter, first semester, third quarter and second semester.

The grading periods shall be considered consecutive and uninterrupted. Therefore, the second semester grade of the 7th grade shall be the basis for determining the first quarter eligibility for the 8th grade year.

Three weeks after grades are released to students, any junior high student has five (5) school days to petition the principal/designee to be placed on academic probation and regain privileges. A student must maintain a “C” grade and satisfactory citizenship in each class to remain on probation.

**Grades 9-12**

Academic, attendance, substance abuse, behavior, and classroom citizenship eligibility consequences shall not carry over from junior high to high school. Ineligibility due to Modesto City Schools textbook or library book debts shall carry over from junior high to high school and will be effective beginning 2nd quarter.

The eligibility grading periods shall be the first quarter, first semester, third quarter and second semester.

The grading periods shall be considered consecutive and uninterrupted. Therefore, the second semester grade of the previous year shall be the basis for determining the first quarter eligibility for the following year. EXCEPTION: Initial high school eligibility will be waived for all incoming ninth grade students not meeting the district academic eligibility criteria. This shall be a one-time waiver for the first quarter of the fall semester only.

**7-12 Summer School Grades--Effect on Eligibility**

Summer school grades shall be included to determine eligibility.

In calculating eligibility, a summer school grade will replace the grade of a “like” course taken previously. Grades/units earned in summer school classes which do not replace grades earned previously in “like” courses will be averaged with grades from the previous grading period.

Summer school grades shall not impair a student’s academic eligibility achieved in the previous grading period.

**Athletic Probation**

MCS Athletic Probationary Policy

Student-athletes who are academically ineligible are allowed one appeal during grades 9 and 10, and one time during grades 11 and 12, if they meet the MCS requirements for an appeal.
Academic Appeal Requirements

1. Student-athletes with a 1.8 GPA or above and/or have no more than 2 “Fs” are eligible to appeal. Student-athletes below a 1.8 GPA are not allowed to appeal. Student-athletes with more than two “Fs” are not allowed to appeal.
2. A student-athlete is not allowed to appeal if he/she was ineligible the prior grading period. Example: A student-athlete who is ineligible for his/her first quarter grades is not eligible to appeal the next grading period (first semester grades).
3. A student-athlete is not allowed to appeal to participate on a team that limits the number of students that may participate, unless there is an available spot.
4. A student-athlete that is not eligible due to disciplinary consequences, may not be considered for an academic appeal.
5. A student-athlete who is currently ineligible will remain so until the next grading period when grades are officially posted. The Student-Athlete must meet school eligibility requirements at that time to be eligible for athletic participation.
6. Athletes who meet the Academic Appeal Requirements will be placed on team probation. The athlete will be allowed to stay with the team and participate in practices only. Students on probation may not travel with the team to games and may not dress with the team, nor sit on the bench or stand on the sideline with the team.
7. At the end of the quarter, those athletes who have regained their eligibility may fully participate with the team on the official district eligibility date.
8. Teams competing with athletes ineligible for any reason shall forfeit all contests in which the ineligible athlete(s) participated.

2. ATTENDANCE

Truancy
Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within seven (7) school days after the student returns from the absence.
A student may not participate in extra-curricular activities as listed on page 48 for nine (9) weeks if the student reaches Step 4 of the truancy policy (described on page 22).
If the student reaches Step 5, the student is ineligible to participate for nine (9) additional weeks from the date the student reached Step 5 of the truancy policy (described on page 22).
If a student reaches Step 6 of the truancy policy (described on page 22), the student is ineligible to participate in extra-curricular activities as listed on page 48 for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.
A student reaching Step 6 of the truancy policy is also ineligible for 8th grade/senior trips; 8th grade graduation dance/high school prom; 8th grade/senior graduation ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12).

Excessive Absenteeism
Students who are absent 15 days in one school year may be placed on Attendance Supervision which imposes the requirement that future absences be verified by a licensed medical practitioner.
If a student on Attendance Supervision accumulates five (5) unexcused absences (absences without medical verification), the student will be ineligible to participate in extra-curricular activities as listed on page 48 the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

3. SUBSTANCE ABUSE

A. A student who is suspended for:
   1. Possession of not more than one ounce of marijuana, or possession, use, or being under the influence of an alcoholic beverage, or intoxicant; or
   2. For possession of drug paraphernalia is ineligible to participate in extra-curricular activities according to the following guidelines:

      1st Offense: Student is ineligible to participate in all extra-curricular activities listed on page 48 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12) for 18 school weeks from the time of the suspension, unless the student completes a District-
approved intervention program. Completion of the program will reduce the period of
ineligibility to nine (9) school weeks.

2nd Offense: Student is ineligible for the length of the expulsion. If the student receives a
suspended expulsion, the student is ineligible to participate in all extra-curricular
activities listed on page 48 as well as 8th grade/senior trips; 8th grade graduation
dance, winter formal, high school prom; 8th grade/senior graduation
ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government
(7-12) for 18 school weeks from the time of the first day of suspension unless
the student completes a District-approved intervention program. Completion
of the program will reduce the period of ineligibility to nine (9) school weeks.

B. A student who possesses a controlled substance (except for the first offense of possession of not more than
one ounce of marijuana other than concentrated cannabis) or who sells, furnishes, or unlawfully
offers, arranges, or negotiates to sell an alcoholic beverage, controlled substance, drug-paraphernalia,
or an in-lieu substance (look-a-like purported to be a controlled substance) is ineligible to participate in
extra-curricular activities according to the following guidelines:

1st Offense: Student is ineligible for the length of the expulsion. If the student receives a
suspended expulsion, the student is ineligible to participate in all extra-curricular
activities listed on page 48 as well as 8th grade/senior trips; 8th grade graduation
dance, winter formal, high school prom; 8th grade/senior graduation
ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government
(7-12) for nine (9) school weeks commencing from the date of suspension unless
the student completes a District-approved intervention program. Completion of the
program will reduce the period of the ineligibility to nine (9) school weeks.

4. **BEHAVIOR**

Students who are home suspended for four (4) days and/or home suspended twice within a quarter are to be
declared “ineligible” and may not participate in extra-curricular activities as listed on page 48 as well as 8th grade/
senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation
ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12) for nine (9) school weeks commencing from the time of the suspension.

If an additional suspension occurs during the nine (9) school week period, the period of ineligibility is to be
extended for nine (9) school weeks effective the date of the subsequent suspension, but will not extend beyond
the current school year.

Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-
curricular activities as listed on page 48, including the winter formal and senior prom, athletics (9-12), spirit
leaders/cheerleaders (9-12), student government (7-12) for the remainder of the school year at the regular campus
unless the student returns to the regular campus after successfully completing an alternative education program.

5. **CLASSROOM CITIZENSHIP** (Consequences for citizenship marks do not carry from junior high to
high school.)

Students who receive two or more “unsatisfactory” citizenship marks from teachers may not participate in extra-
curricular activities as listed on page 48 until the next regular reporting period (the following quarter).

For grades 7-8, if a student received two or more “unsatisfactory” citizenship marks, the student may petition
the principal to be placed on behavioral probation three (3) weeks after grades are released to students if the
student has improved citizenship marks. Once the student is placed on behavioral probation, the student will be
eligible to take part in extra-curricular activities as listed on page 48 if the student maintains a “C” grade and
satisfactory citizenship in each of the student’s classes. The reporting periods shall be considered consecutive
and uninterrupted. Therefore, the fourth quarter citizenship marks of the previous year shall be the basis for
determining first quarter eligibility for the following year. The effective date to determine eligibility shall be the
day report cards are released to student.

Students who receive two or more unsatisfactory marks in the third quarter shall also be ineligible for 8th grade/
senior trips; 8th grade graduation dance/high school prom; and 8th grade/senior graduation ceremonies.

Note: If the high school prom occurs before third quarter marks become final, the second quarter citizenship
marks determine eligibility.

**8th GRADE STUDENTS/THIRD QUARTER CITIZENSHIP MARKS**

An 8th grade student who receives two unsatisfactory citizenship marks the third quarter may regain the
privilege of participating in the 8th grade trip, 8th grade graduation dance, and 8th grade graduation ceremony
if teacher verification of improved citizenship is substantiated by the school administration.
6. DEBTS OWED FOR LOSS OR DAMAGE TO SCHOOL DISTRICT PROPERTY

Students with outstanding Modesto City School debts (K-12) will not be allowed to participate in extra-curricular activities as listed on page 48 as well as 8th grade/senior trips; 8th grade graduation dance/high school prom; 8th grade/senior graduation ceremonies; athletics (9-12), spirit leaders/cheerleaders (9-12); student government (7-12) until the debt is paid or until the student establishes a program of voluntary work as provided by the Education Code 48904 in lieu of payment.

Notification to the parent/guardian regarding the debt will be made in writing. The effective date to determine eligibility shall be three (3) days after the issuance of the notification letter.

Loss of privileges includes participation in the graduation ceremony (grades 7-12) if the parent/guardian is notified of the debt at least three (3) days prior to the ceremony.

Note: Attendance, substance abuse, behavior, and classroom citizenship eligibility consequences shall not carry over from junior high to high school.

However, any student who owes for outstanding school debts will remain ineligible to participate in extra-curricular activities, grades 7-12, athletics (9-12), spirit leaders/cheerleaders (9-12), student government (7-12), until the debt is paid or until the student establishes a program of voluntary work as provided in Education Code 48904 in lieu of payment. EXCEPTION: Initial high school eligibility will be waived for all incoming ninth grade students not meeting the district academic eligibility criteria. This shall be a one-time waiver for the first quarter of the fall semester only.

ALL 7-12 STUDENTS

The District reserves the right to exclude a student from the graduation ceremony or other activities for a flagrant infraction to the Student Conduct Code irrespective of the student’s citizenship status.

HIGH SCHOOL GRADUATION CEREMONIES

The following Board Policy excerpts apply to all high schools, including alternative education:

1. Participation in Graduation Ceremonies
   a. Students enrolled at a comprehensive high school may participate in graduation ceremonies at the comprehensive high school upon completion of all graduation requirements by the end of the senior year. This provision applies to mid-year graduates.
   b. Students who complete graduation requirements after their class has already graduated may participate in the alternative education graduation ceremony, but not in a ceremony at the comprehensive high school.
   c. Students who have passed the course of study requirements in a full-time independent study program through the Elliott Alternative Education Center may participate in the alternative education graduation ceremony. Students who complete the course of study requirements in a full-time independent study program through a comprehensive site may participate in that comprehensive site’s graduation ceremony.
   d. Special Education students enrolled in the Special Education curriculum strands A or B who receive “Certificates of Completion” may participate in the graduation ceremonies.
   e. Students who have passed the California High School Proficiency Examination (CHSPE) and/or the General Education Development Test (GED) may not participate in graduation ceremonies unless they have met all District graduation requirements.

2. The principal and staff will inform senior class students of the graduation standards and ceremony requirements prior to the second semester or when new senior students enroll at the school.

3. Appropriate graduation ceremonies will be provided to honor graduating seniors at each District senior high school. As part of the ceremonies, each graduating senior will be recognized by having his or her name read and each will receive a District diploma of graduation/certificate of completion or cover (with the diploma/certificate of completion provided after the ceremony).

4. In order to participate in the graduation ceremonies, each participant and his/her parent or guardian must sign a contract which must be on file at the school agreeing to abide by the specified code of dress and behavior for the ceremony. Adult students enrolled in alternative education are excluded from this provision.

5. Before being admitted to the ceremonies, each participant will be visually checked for appropriate dress and inappropriate items. A visual check may include a school official requesting the student to open his or her graduation gown.

6. The school principal/designee shall remove or cause to be removed from the ceremonies and/or premises students or others who are in violation of an appropriate law or in violation of a rule relating to graduation exercises. Graduating seniors so removed may pick up their diplomas at a later date.
<table>
<thead>
<tr>
<th>CO-CURRICULAR ACTIVITIES</th>
<th>EXTRA-CURRICULAR ACTIVITIES (Recreation 7-8, Clubs 9-12, Field Trips 9-12, Dances 7-8, Assemblies 7-8)</th>
<th>WINTER FORMAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>GPA Below 2.0</td>
<td>GPA Below 2.0</td>
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<tr>
<td>More than one “F”</td>
<td>More than one “F”</td>
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<tr>
<td></td>
<td>More than one “U” Citizenship</td>
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</tr>
<tr>
<td>Substance Abuse 18 weeks/9 weeks with diversion</td>
<td>Substance Abuse 18 weeks/9 weeks with diversion</td>
<td>Substance Abuse 18 weeks/9 weeks with diversion</td>
</tr>
<tr>
<td>Outstanding Debt</td>
<td>Outstanding Debt</td>
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</tr>
<tr>
<td>Home Suspension 4 or more days (9 weeks)</td>
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<td>Home Suspension 4 or more days (9 weeks)</td>
</tr>
<tr>
<td>Home Suspension twice in a quarter (9 weeks)</td>
<td>Home Suspension twice in a quarter (9 weeks)</td>
<td>Home Suspension twice in a quarter (9 weeks)</td>
</tr>
<tr>
<td>Involuntary Transfer to Alternative Education</td>
<td>Involuntary Transfer to Alternative Education</td>
<td>Involuntary Transfer to Alternative Education</td>
</tr>
<tr>
<td>Step 4 Truancy (9 weeks)</td>
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<tr>
<td>Step 5 Truancy (additional 9 weeks)</td>
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<tr>
<td>Step 6 Truancy</td>
<td>Step 6 Truancy</td>
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<tr>
<td>Attendance Supervision w/ 5 unexcused absences</td>
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</tbody>
</table>
### ACTIVITY INELIGIBILITY CRITERIA

<table>
<thead>
<tr>
<th>PROM/ 8th GRADE DANCE</th>
<th>SENIOR TRIP/ 8th GRADE TRIP</th>
<th>GRADUATION CEREMONY</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>More than one “U” Citizenship 8th Grade may regain the privilege with teacher approval (3rd Quarter)</td>
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<td>Step 6 Truancy</td>
<td>Step 6 Truancy</td>
<td>Step 6 Truancy</td>
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</tbody>
</table>

The District reserves the right to exclude a student from the graduation ceremony or other activities for a flagrant infraction to the Student Conduct Code irrespective of the student’s citizenship status.
RIGHT OF APPEAL AND DUE PROCESS

SUSPENSION

1. Suspension by the principal/designee, or the superintendent, shall be preceded by an informal conference which is conducted by the principal or his/her designee between the pupil, and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal. At the conference the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his/her defense. (E.C. 48911, sub-section b)

2. A principal/designee, or the superintendent, may suspend a pupil without affording the pupil an opportunity for a conference only if the principal or his/her designee determines that an “emergency situation” exists. If a pupil is suspended without a conference prior to a suspension, both the parent and pupil shall be notified of the pupil's right to such a conference and the pupil's right to return to school for such purpose. The conference shall be held within two (2) school days, unless the pupil waives his right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference. (E.C. 48911, sub-section c)

3. At the time of suspension, a school employee shall make a reasonable effort to contact the parent or guardian of the pupil in person or by telephone. (E.C. 48911, sub-section d)

4. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (E.C. 48911, sub-section d)

5. The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his/her child’s behavior. (E.C. 48911, sub-section f)

6. The pupil or pupil’s parent or guardian has the right to appeal the suspension to the building principal whose decision will be final. A meeting must be requested within five (5) school days following the first day of suspension.

7. Students remain on suspension through the appeal process. If the suspension is overturned by the principal, all information related to the suspension will be deleted from the pupil’s record.

EXPULSION

1. In a case where expulsion is being processed by the Governing Board, the superintendent/designee may extend the suspension until such time as the Governing Board has rendered a decision, provided that the superintendent/designee has determined that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. (E.C. 48911, sub-section g)

2. The pupil and the pupil’s parent or guardian shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 school days of the date the principal or superintendent determines that the pupil committed any of the acts enumerated in Section 48900 unless the pupil requests in writing that the hearing be postponed. The pupil shall be entitled to at least one postponement for a period of not more than 30 calendar days of an expulsion hearing. In the event that compliance by the Governing Board with the above time requirements is impracticable, the expulsion hearing may be delayed, for good cause, up to five (5) additional days. Reasons for the extension shall be a part of the record at the time of the hearing. (E.C. 48918, sub-section a)

3. Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days prior to the date of the hearing. (E.C. 48918, sub-section b)

4. An Administrative Panel shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public unless the pupil or the pupil’s parent or guardian requests, in writing at least five (5) days prior to the date of the hearing, that the hearing be a public meeting. (E.C. 48918, sub-sections c, d)

5. Within three (3) school days following the hearing, the Administrative Panel shall determine whether to recommend expulsion of the pupil to the Governing Board. (E.C. 48918, sub-section e)

6. The expulsion order and the causes therefore shall be recorded in the pupil’s mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil’s school records. (E.C. 48918, sub-section j)

7. A decision of the Governing Board whether to expel a pupil shall be made within 10 school days following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed. If the hearing is held by an Administrative Panel, or if the district Governing Board does not meet on a weekly
basis, the Governing Board shall make its decision about a pupil's expulsion within 40 school days after the date of the pupil's removal from his/her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent, unless the pupil requests in writing that the decision be postponed.

8. Written notice of any decision of the Governing Board to expel or to suspend the enforcement of the expulsion order during a period of probation shall be sent by mail, using “proof of service” method to the student or parent or guardian. The notice shall include notification of the right to appeal the expulsion to the County Board of Education. (E.C. 48918, sub-section i)

9. Students who have been expelled shall not participate in extra-curricular activities, including the 8th grade/senior trips, 8th grade graduation dance, winter formal, high school prom, and the graduation ceremony (grades 8 & 12) for the length of the expulsion. Students who are on a suspended expulsion shall not participate in extra-curricular activities for the length of time defined on pages 47-53 of this publication.

10. Students who are on a suspended expulsion to another site will be ineligible to participate in extra-curricular activities at the original site including the 8th grade/senior trips, 8th grade graduation dance, high school prom, winter formal, and the graduation ceremony (grades 8 & 12).

11. At the time an expulsion of a pupil is ordered for an act other than those described in subdivision (c) of Section 48915, the Governing Board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the District. The Director, Child Welfare and Attendance/Designee will determine if the conditions for readmittance in the expulsion order have been met.

12. For a pupil who has been expelled pursuant to subdivision (c) of Section 48915, the Governing Board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission on a case-by-case basis. The Director, Child Welfare and Attendance/Designee will determine if the conditions for readmittance in the expulsion order have been met. Subdivision (c) of Section 48915 offenses include:

- Possessing, selling, or otherwise furnishing a firearm.
- Brandishing a knife at another person.
- Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- Possession of explosives (except snappers, poppers, firecrackers, and fireworks).

INVOLUNTARY TRANSFER TO OPPORTUNITY SCHOOL
California Department of Education Guidelines

Opportunity Education schools, classes, and programs are established to provide additional support for students who are habitually truant from instruction, irregular in attendance, insubordinate, disorderly while in attendance, or failing academically.

A decision to transfer a pupil involuntarily shall be based on findings that the pupil (a) committed an act enumerated in E.C. 48900, or (b) has been habitually truant or irregular in attendance from instruction upon which he or she is lawfully required to attend.

The student and the student’s parent or guardian will be notified in writing of the intended assignment to the Opportunity School program. The parent or guardian has the right to request a meeting with the school officials. The purpose of this meeting will be to discuss the specific reason(s) for the transfer being recommended. Following the third-party review of the referral document, a final decision for the transfer will be made. The student and parent or guardian has the right to appeal the third-party decision to the Director, Child Welfare and Attendance.

At the request of the student’s parent or guardian, the involuntary transfer shall be reviewed at the end of each semester/trimester of attendance at the alternative education site. Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-curricular activities listed on page 48, including winter formal and senior prom, for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

INVOLUNTARY TRANSFER TO CONTINUATION SCHOOL (E.C. 48432.5)

A decision to transfer the pupil involuntarily shall be based on finding that the pupil (a) committed an act enumerated in E.C. 48900, or (b) has been habitually truant or irregular in attendance from instruction upon which he or she is lawfully required to attend.

Involuntary transfer to a continuation school shall be imposed only when other means fail to bring about pupil
Conduct Code - Right of Appeal

improvement; provided that a pupil may be involuntarily transferred the first time he or she commits an act enumerated in Section 48900 if the principal determines that the pupil’s presence causes a danger to persons or property, or threatens to disrupt the instructional process.

A written notice must be provided to the student and the student’s parent or guardian informing them of the opportunity to request a meeting with a designee of the district superintendent.

None of the persons involved in the final decision to make an involuntary transfer of a pupil to a continuation school shall be a member of the staff of the school in which the pupil is enrolled at the time that the decision is made. Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-curricular activities as listed on page 48, including the winter formal and senior prom, for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

At the request of the student’s parent or guardian, the involuntary transfer shall be reviewed following the second semester of attendance at the alternative education site.

SUSPENSION FROM CLASS

A teacher may suspend any pupil from the teacher’s class for any violation of E.C. 48900, for the day of the suspension and the day following.

The teacher shall send the pupil to the principal/designee for appropriate action. If that action requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision.

As soon as possible, the teacher shall ask the parent/guardian of the pupil to attend a parent/teacher conference regarding the suspension. If an in-person conference cannot be arranged, a telephone conference may be substituted. A school administrator shall attend the conference if the teacher or parent/guardian so request.

The pupil shall not be returned to the class during the period of suspension without the concurrence of the teacher and the principal. A pupil suspended from a class shall not be placed in another regular class during the period of suspension.

DETENTION OF STUDENTS AFTER SCHOOL

Students may be detained after school for up to 15 minutes without prior notice to the parents.

Detention from 16 to 30 minutes requires a reasonable effort to give prior notice to the parent. Detention longer than 30 minutes requires prior notice to the parent. Prior notice includes telephone calls.

Regardless of the length of detention, prior notice to parents must occur in cases where detention will cause a student to miss the school bus.
STUDENTS

Sexual Harassment
The Board of Education's intent is to maintain an academic and work environment which protects the dignity and promotes the mutual respect of all pupils. The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who has experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation (AR 5145.7).

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district’s primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant’s noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district’s procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Complaint Process and Disciplinary Actions
Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3
Conduct Code - Student Sexual Harassment Policy

and where to obtain a copy of the procedures. (cf. 1312.3 - Uniform Complaint Procedures)

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account. (cf. 5144 - Discipline)(N/A) (cf. 5144.1 - Suspension and Expulsion/Due Process)(N/A) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))(N/A)

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement. (cf. 4117.7/4317.7 - Employment Status Report)(N/A) (cf. 4118 - Dismissal/Suspension/Disciplinary Action)(N/A) (cf. 4218 - Dismissal/Suspension/Disciplinary Action)(N/A) (cf. 4119.11 4219.1113/4319.11 Sexual Harassment)

Record-Keeping
The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools. (cf. 3580 - District Records)(N/A)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
48900 Grounds for suspension or expulsion
48900.2 Additional grounds for suspension or expulsion; sexual harassment
48904 Liability of parent/guardian for willful student misconduct
48980 Notice at beginning of term

CIVIL CODE
51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE
12950.1 Sexual harassment training

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

UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42
1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
1. **Absence for Religious Exercises and Instruction:** Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)

2. **Comprehensive Sexual Health Education and HIV/AIDS Prevention Education:** A parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education. A parent or guardian who wishes to exercise this right must state their request in writing. (Ed. Code, § 51938) A parent or guardian may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them with a copy of the California Healthy Youth Act. (Ed. Code, § 51930 et. seq.) Parents or guardians shall be notified in writing if the District plans to administer an anonymous, voluntary and confidential test, questionnaire or survey containing age-appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 to 12 and given the opportunity to review the test, questionnaire or survey. A Parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing. (Ed. Code, § 51938)

Every child's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified.

3. **Excuse from Instruction in Health:** Upon written request of a parent, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)

4. **Administration of Medication:** Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5, 49480)

5. **Students on Medication:** Parents are to notify the principal if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)

6. **Immunizations:** The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Health and Safety Code section 120370. The immunization exemption based on personal beliefs has been eliminated. (Health & Saf. Code, § 120325) A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law. (Health & Saf. Code, § 120335) A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law. (Health & Saf. Code, § 120335) A student may still be exempted from the immunization requirement based on medical condition or circumstances. A parent or guardian must file with the District a statement from a licensed physician saying that the immunization is not considered safe and is not recommended based upon the nature or duration of the medical condition or circumstances, including, but not limited to, the family medical history. (Health & Saf. Code, § 120370)

A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. (Ed. Code, §§ 48216, 48980(a), 49403, Health & Saf. Code, §§ 120325, 120335)

7. **Physical Exams and Testing:** The District is required to conduct certain physical examinations and vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease. (Ed. Code, §§ 49451, 49452, 49452.5 and 49455; Health & Saf. Code, § 124085)

8. **Confidential Medical Services:** For students in grades 7 through 12, the District may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student’s parent or guardian. (Ed. Code, § 46010.1)

9. **Medical Coverage for Injuries:** Medical and hospital services for pupils injured at school or school-
sponsored events, or while being transported, may be insured at parent’s expense. No pupil shall be compelled to accept such services without his or her consent or, if the pupil is a minor, without the consent of a parent or guardian. (Ed. Code, § 49472)

10. **Medical and Hospital Services Not Provided:** The District does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Ed. Code, §§ 32221.5, 49471)

11. **Mental Health Services:** The District shall notify pupils and parents or guardians no less than twice each school year of the steps to initiate access to available pupil mental health services on campus and/or in the community. (Ed. Code, § 49428) The mental health services available are listed on the District’s website at www.mcs4kids.com/documents/MentalHealthResources.pdf. To initiate services, a parent or student may ask at school or contact a resource directly.

12. **Services for Students with Exceptional Needs or a Disability:** State and federal 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. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific information. (Ed. Code, § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. § 104.32) The District 504 Coordinator is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone: 426 Locust Street, Modesto - (209) 574-1623.

13. **No Academic Penalty for Excused Absence:** No pupil may have his or her grade reduced or lose academic credit for any absence or absences which are excused for the reasons specified below when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Ed. Code, §§ 48205, 48980(j))

A pupil shall be excused from school when the absence is:

(a) Due to the pupil’s illness.
(b) Due to quarantine under the direction of a county or city health officer.
(c) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
(d) For the purpose of attending the funeral services of a member of the pupil’s immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
(e) For the purpose of jury duty in the manner provided for by law.
(f) 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 doctor’s note.
(g) 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 the pupil’s religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil’s absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
(h) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
(i) For the purpose of spending time with a member of the pupil’s immediate family, who is an active duty member of the uniformed services, as defined in section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
(j) For the purpose of attending the pupil’s naturalization ceremony to become a United States citizen.
(k) Authorized at the discretion of a school administrator based on the facts of the pupil’s circumstances, which are deemed to constitute a valid excuse, including, but not limited to, working for a period of not more than five consecutive days in the entertainment or allied industries or participate with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil’s parent or guardian provides a written note to the school authorities explaining the reason for the pupil’s absence. (Ed. Code, §§ 48260, 48205, 48225.5)

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

For purposes of this section, attendance at religious retreats shall not exceed four hours per semester. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall
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not generate state apportionment payments.

“Immediate family,” as used in this section refers to mother, father, grandmother, grandfather, or a grandchild of the pupil or of the spouse of the pupil, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the pupil, or any relative living in the immediate household of the pupil. (Ed. Code, §§ 45194, 48205)

14. Equal Opportunity: Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972) The District’s physical education program provides a developmentally appropriate sequence of instruction aligned with the state’s model content standards and framework. This program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the Director, Child Welfare & Attendance, at (209) 574-1595 or 426 Locust Street, Modesto.

15. Complaints (Special Education): Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents may submit a description of the manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations to the SELPA Director at (209) 574-1623 or 426 Locust Street, Modesto, CA 95351.

16. Release of Student Information: The District does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the District in writing (see Privacy Form on page 81) not to release such information: Name, address, telephone, date of birth, email address, major field of study, participation in officially recognized activities and sports, height and weight of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073, 20 U.S.C. § 1232g, 34 C.F.R. § 99.7) In accordance with state and federal law, the District may also make available photographs, videos, and class rosters. Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed. Code, § 49073(c), 20 U.S.C. § 1232g, 42 U.S.C. § 11434a(2))

17. Information Obtained from Social Media: A school district that considers a program to gather or maintain in its records any information obtained through social media of any enrolled student shall notify students and their parents or guardians about the proposed program and provide an opportunity for public comment at a regularly scheduled public meeting of the Governing board of the school district. The notification shall include, but is not limited to, an explanation of the process by which a student or a student’s parent or guardian may access the student’s records to examine the information gathered or maintained, and an explanation of the process by which a student or student’s parent or guardian may request the removal of information or make corrections to information gathered or maintained. (Ed. Code, § 49073.6)

18. Inspection of Student Records: State law requires that the District notify parents of the following rights which pertain to student records. (Ed. Code, §§ 49063, 49069, 34 C.F.R. § 99.7)

(a) A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.

(b) Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child’s school. The principal of each school is ultimately responsible for maintenance of student records.

(c) A parent with legal custody has a right to challenge information contained in his/her child’s records. Any determination to expunge a student’s record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student’s record. The right to challenge becomes the sole right of the student when the student becomes 18 years of age.

A parent may file a written request with the Superintendent of the District to remove any information recorded in the written records concerning the child which is alleged to be:

(i) Inaccurate.

(ii) An unsubstantiated personal conclusion or inference.

(iii) A conclusion or inference outside of the observer’s area of competence.

(iv) Not based on the personal observation of a named person with the time and place of the observation noted.

(v) Misleading.

(vi) In violation of the privacy or other rights of the pupil.

Within 30 days, the Superintendent or designee shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District, and sustain or deny the allegations. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the Superintendent denies the allegations, the parent may appeal the decision to the Governing Board within 30 days. The Board shall determine whether or not to sustain or deny the allegations. If the Board sustains the allegations, it shall order the Superintendent to immediately correct, remove or destroy
20. Student information and records which are guaranteed under federal law. Notification of these rights is on page 74.

Superintendent. (i) Parents may obtain a copy of the District's complete student records policy by contacting the Superintendent. (20 U.S.C. § 1232g(g))

(h) Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of student rights related to student records. “School officials and employees” are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent, student, foster family agency, short-term residential treatment staff, or caregiver whose access to student records is legally authorized. A “legitimate educational interest” is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5, 20 U.S.C. § 1232g)

(f) Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.

(g) Parents and guardians will be charged $0.20 cents per page for the reproduction of student records.

(h) Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g(g))

(i) Parents may obtain a copy of the District’s complete student records policy by contacting the Superintendent.

19. Family Educational Rights and Privacy Act: In addition, parents have certain rights regarding student information and records which are guaranteed under federal law. Notification of these rights is on page 74.

20. Student Discipline: District and School rules pertaining to student discipline are available to parents or guardians of district students in the school office. (Ed. Code, § 35291) Students may be subject to discipline for off-campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or district property even if such misconduct occurred off-campus and during non-school hours. (Ed. Code, §48900(r))

21. Dissection of Animals: If a student has a moral objection to dissecting (or otherwise harming or destroying) animals, or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil’s parent or guardian. If the pupil chooses to refrain from participating in such a project or test, and if the teacher believes that an adequate alternative education project or test is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project or test for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. (Ed. Code, §§ 32255-32255.6)

22. Temporary Disability: A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil’s parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil’s need for individualized instruction.

Home Instruction: The district in which the student resides is to provide individual instruction if the student is receiving the instruction in his or her home. Individual instruction in a pupil’s home pursuant to section 48206.3 shall commence no later than five working days after a school district has determined that the pupil shall receive this instruction.

Hospital or Health Facility Instruction: The school district in which the hospital or other residential health facility, excluding a state hospital, is located must provide individual instruction to a student with a temporary disability. Within five working days of receipt of the notification, the district must determine whether the pupil will be able to receive individual instruction, and, if so, when the individual instruction will begin. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student’s school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. A school district may continue to enroll a pupil with a temporary disability who is receiving individual instruction in a hospital or residential health facility and during non-school hours. (Ed. Code, §48900(r))

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facility to facilitate the timely reentry of the pupil after the hospitalization has ended, or in order to provide a partial week of instruction. On days in which the student is not receiving individual instruction in a hospital or other residential health facility, he or she may attend school in his or her district of residence if well enough to do so. A pupil receiving individual instruction who is well enough to return to a school shall be allowed to return to the school, including a charter school, that he or she attended immediately before receiving individual instruction, if returning during the same school year. (Ed. Code, §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48980(b))

Pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom shall be treated in the same manner and under the same policies as any other temporary disabling condition. (Ed. Code, § 221.51)

23. Student Residency: A student may be enrolled in the District if (1) the student’s parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code, § 48200); (2) the District has approved interdistrict attendance (Ed. Code, § 46600); (3) the student is placed in a regularly established children’s institution, licensed foster home, or family home; (4) the student is a foster child who remains in his or her school of origin pursuant to Education Code section 48853.5(f) and (g); (5) the student is emancipated and lives within the District; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the District; or (8) the student’s parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week. (Ed. Code, § 48204) The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district’s boundaries for a minimum of 10 hours during the school week. (Ed. Code, § 48204) A student also complies with the residency requirements for school attendance in a school district if he or she is a student whose parent is transferred or pending transfer to a military installation within the state while on active duty pursuant to an official military order. However, the parent must provide proof of residence in the school district within ten days after the published arrival date provided on official documentation. (Ed. Code, § 48204.3) A student also complies with the residency requirement if the student’s parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing the departure of her/his parent/guardians against their will; that the student moved outside of California as a result of her/his parent/guardians departing California against their will, and that the student lived and was enrolled in school in California immediately before moving outside of California. (Ed. Code, § 48204.4)

24. Attendance Options: All districts must inform parents at the beginning of the school year how to enroll in a school within the district that is different than the one assigned. Students who attend schools other than those assigned by the district are referred to as “transfer students” throughout this notification. There is one process for choosing a school within the district which the parent lives (intradistrict transfer), and three separate processes for selecting schools in other districts (interdistrict transfer). (Ed. Code, § 48980(b)) A copy of the District’s Policy on, and application for, Interdistrict and Intradistrict Transfers begins on page 77. Parents interested in interdistrict or intradistrict transfers should contact the Senior Director, Child Welfare & Attendance at (209) 574-1595. The general requirements and limitations of each process are described as follows:

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

• Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school’s attendance area.
• In cases in which there are more requests to attend a school than there are openings, the selection process must be “random and unbiased,” which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student’s academic or athletic performance as a reason to accept or reject a transfer. However, a district may consider special circumstances that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including physical threats of bodily harm or threats to the emotional stability of the pupil documented by a state or local agency, licensed or registered professional, or court order.
• Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
• A district is not required to provide transportation assistance to a student that transfers to another school in the district under these provisions.
• If a transfer is denied, a parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents to appeal a decision.

(b) Choosing a School Outside the District in Which Parent Lives: Parents have two different options for choosing a school outside the district in which they live. The two options are:
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(i) Interdistrict Transfers (Ed. Code, §§ 46600–46610): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. The law on interdistrict transfers also provides for the following:

- Once a pupil is enrolled in a school pursuant to an interdistrict transfer agreement, the pupil must be allowed to continue to attend the school in which he or she is enrolled without reapplying, unless revocation of the interdistrict transfer is a term and condition of the agreement between the districts; however, a district must not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.
- Upon request, a pupil determined to be the victim of an act of bullying by a pupil of the district of residence must be given priority for interdistrict attendance under any existing interdistrict attendance agreement or additional consideration for the creation of an interdistrict attendance agreement. (Ed. Code, §§ 46600(b), 48900(r))
- If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.
- A school district of residence shall not prohibit the transfer of a student who is a homeless child or youth, a current or former migratory child, a foster youth, the victim of an act of bullying, or a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the transfer application. A school district that elects to accept an interdistrict transfer pursuant to this subdivision shall accept all pupils who apply to transfer under this subdivision until the school district is at maximum capacity and shall ensure that pupils admitted under this subdivision are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based on his or her academic, performance, athletic performance, physical condition, proficiency in English, family income, actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. Upon request of the parent on behalf of a pupil eligible for transfer pursuant to this subdivision, a school district of enrollment will provide transportation assistance to a pupil who is eligible for free or reduced-price meals. A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision. (Ed. Code, § 46600(d))

(ii) “Allen Bill” Transfers (Ed. Code, § 48204(b)): The law allows, but does not require, each school district to adopt a policy whereby the student may be considered a resident of the school district in which his/her parents (or legal guardian(s)) physically work for a minimum of 10 hours during the school week if that is different from the school district in which the student resides. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic achievement, or any other “arbitrary” consideration. Other provisions of Education Code section 48204(b) include:

- Either the district in which the parent (or legal guardian) lives or the district in which the parent (or legal guardian) physically works may prohibit the student’s transfer if it is determined that there would be a negative impact on the district’s desegregation plan.
- The district in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the district would receive for educating the student.
- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.

(c) Districts of Choice (Ed. Code, §§ 48300-48317): The law allows, but does not require, each school district to become a “district of choice”—that is, a district that accepts transfer students from outside the district under the terms of the referenced Education Code sections. The school board of a district that decides to become a “district of choice” must determine the number of students it is willing to accept in this category each year and make sure that the students are selected through an “unbiased process,” which prohibits student enrollment and district
Applying to Attend a School under the Open Enrollment Act: The Open Enrollment Act allows the parent to be a student transferring under these provisions.

A school district of residence may deny a transfer if it will negatively affect the racial and ethnic balance of the district. Additionally, the school district in which the parent intends to enroll the pupil. With some exceptions, the application must be submitted prior to January 1 of the school year before the school year for which the pupil is requesting a transfer. Both of the school districts from which and to which the parent has applied to transfer may prohibit or limit pupil transfers if the transfer would negatively impact a court-ordered or voluntary desegregation plan or the racial/ethnic balance of the district. Additionally, the school district in which the parent does not reside, but in which the parent intends to enroll the pupil may adopt specific, written standards for acceptance and rejection of applications pursuant to the Open Enrollment Act. (Ed. Code, § 48356)

25. Sexual Harassment Policy: Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the District’s policy on sexual harassment begins on page 57. (Ed. Code, §§ 231.5, 48980(g))

26. Notice of Alternative Schools: California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

(a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

(b) Recognize that the best learning takes place when the student learns because of the student’s desire to learn.

(c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his or her own time to follow his or her own interests. These interests may be conceived by the student totally and independently or may result in whole or in part from a presentation by the student’s teachers of choices of learning projects.

(d) 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.

(e) 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 parent information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district. (Ed. Code, § 58501)

27. Nutrition Program: The State Department of Education has established a statewide program to provide nutritious meals and milk at school for pupils, and to provide free meals to the neediest children. In some instances, nominal cash payments may be required. Information on page 7. (Ed. Code, § 49510 et seq.)

28. Leaving School Grounds: All 7-12 sites are closed campuses. Students may not leave campus between
complaint procedure which may be used in cases where any individual, public agency or organization alleges
Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying: The District has a written
(d) Discrimination complaints must be filed within six (6) months of the date the alleged discrimination
(b) mental and psychological problems of the student or his/her family;
(c) sex behavior or attitudes;
(d) illegal, anti-social, self-incriminating or demeaning behavior;
(e) critical appraisals of other individuals with whom respondents have close family relationships;
(f) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and
ministers;
(g) religious practices, affiliations, or beliefs of the student or student’s parent; or
(h) income (other than that required by law to determine eligibility for participation in a program or for
receiving financial assistance under such program)
without the prior written consent of the student (if the student is an adult or emancipated minor), or in the case of an
unemancipated minor, without the prior written consent of the parent. (20 U.S.C. § 1232h)
30. Fingerprint Programs: With the written consent of the parent or guardian, kindergarten or newly
enrolled students may be fingerprinted. The fingerprint document may not be retained by the District but must
be delivered to the parent or guardian. A fee shall be charged to the parent or guardian to reimburse the District
for its actual cost. (Ed. Code, §§ 32390, 48980(f)) [NOTE: Modesto City Schools does NOT have a fingerprint
program for students.]
31. Uniform Complaint Procedures:
Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying: State and federal law prohibit
discrimination in education programs and activities. The District is primarily responsible for compliance with
federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)
Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and
peaceful. (Ed. Code, § 32261) State law requires school districts to afford all pupils equal rights and
opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and
physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior
whether or not stereotypically associated with the person’s assigned sex at birth), actual or potential parental,
family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery
therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, race
or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes
all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation
(heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these
actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq., Cal. Code Regs., tit. 5, § 4900
§ 106.9) The District prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts
related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an
act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended
for expulsion.
The District’s Uniform Complaint Procedure may be used in cases where individuals or a group have suffered
234 et seq., 48900(r))
(a) Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(b)(1))
(b) Copies of the District’s complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)
(c) Complaints must usually be filed with the superintendent/designee of the District.
(d) Discrimination complaints must be filed within six (6) months of the date the alleged discrimination
occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged
discrimination. Within that six (6) month period, complainant may file a written request with the district
superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period.
Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, §
4630(b))

Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying: The District has a written
complaint procedure which may be used in cases where any individual, public agency or organization alleges
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violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying.

(e) Written complaints may be made regarding:

(i) Adult Education
(ii) After School Education and Safety
(iii) Agricultural Career Technical and/or Vocational Education
(iv) American Indian Education Centers and American Indian Early Childhood Education
(v) Bilingual Education
(vi) California Peer Assistance and Review Programs for Teachers
(vii) Consolidated Categorical Aid Programs
(viii) Migrant Child Education Programs
(ix) Every Student Succeeds Act (formerly No Child Left Behind)
(x) Career Technical and Technical Education and Technical Training Programs
(xi) Child Care and Development
(xii) Child Nutrition
(xiii) Compensatory Education
(xiv) Consolidated Categorical Aid
(xv) Economic Impact Aid
(xvi) Special Education
(xvii) “Williams Complaints”
(xviii) Pupil Fees
(xix) Instructional Minutes for Physical Education
(xx) Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
(xxi) Pregnant and Parenting Pupils, including parental leave
(xxii) Student Parent Lactation Accommodations
(xxiii) Course Assignments already Completed or without Educational Content
(xxiv) Physical Education Instructional Minutes
(xxv) Foster Youth, Homeless Youth, former Juvenile Court School Student Services, Migrant Youth, and Pupils of Military Families
(xxvi) Regional Occupational Centers and Programs
(xxvii) Continued Education Options for Former Juvenile Court School Students
(xxviii) School Safety Plans
(xxix) School Plans for Student Achievement (SPSA)
(xxx) Tobacco-Use Prevention Education
(xxxi) Health and Safety in a California State Preschool Program
(xxxii) Any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000
(xxxiii) Any other educational programs the Superintendent deems appropriate

Any individual, public agency or organization has the right to file a written complaint alleging that the District has violated a federal or state law or regulation governing any program listed above. (Cal. Code Regs., tit. 5, § 4630(b)(1))

Copies of the District’s complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)

Complaints must usually be filed with the superintendent or designee of the District under the timelines established by District policy. (Cal. Code Regs., tit. 5, § 4630(b))

Within 60 days from the date of receipt of the complaint, the District’s responsible officer or his/her designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to California Code of Regulations, title 5, section 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

(f) Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code, §§ 8235.5, 35186)

(i) Insufficient textbooks and instructional materials;
(ii) Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils;
(iii) Noncompliance with the requirement of Education Code section 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products;
(iv) Teacher vacancy or misassignment; or
(v) Noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code section 1596.7925 and related state regulations.

A complaint of noncompliance with Education Code section 35186 may be filed with the school principal or designee under the Uniform Complaint Procedures. A complainant not satisfied with the resolution of a Williams Complaint has the right to bring the complaint to the district governing board at a regularly scheduled hearing. In the case of a complaint regarding emergency or urgent school facilities conditions, a complainant has the right of appeal to the State Superintendent of Public Instruction.

(g) Pupil Fees Complaints: A pupil enrolled in our district shall not be required to pay a pupil fee for participation in an educational activity, including curricular and extracurricular activities. A pupil fee includes, but is not limited to, all of the following: a fee charged to a pupil as a condition for registering for school or classes, as a condition for participation in a class or an extracurricular activity, as a security deposit to obtain materials or equipment, or a purchase that a pupil is required to make to obtain materials or equipment for an educational activity.

A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed not later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

(h) Foster, homeless, former juvenile court pupils and pupils in military families: the District will post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

Responsible Official: The District officials responsible for processing complaints are listed in the following table and are available at the following address: 426 Locust Street, Modesto.

<table>
<thead>
<tr>
<th>Programs</th>
<th>Designee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nutrition Services</td>
<td>Associate Superintendent, Business Services</td>
</tr>
<tr>
<td>State and Federal Programs</td>
<td>Associate Superintendent, Educational Services</td>
</tr>
<tr>
<td>Migrant Education</td>
<td>Director II, English Learner Services</td>
</tr>
<tr>
<td>Special Education</td>
<td>Associate Superintendent, Student Support Services</td>
</tr>
<tr>
<td>TK-12 Education Programs &amp; Activities</td>
<td>Senior Director, School Leadership</td>
</tr>
<tr>
<td>Preschool Programs</td>
<td>Senior Director, Early Childhood Education</td>
</tr>
<tr>
<td>Career Technical Education</td>
<td>Senior Director, Educational Options</td>
</tr>
<tr>
<td>Adult Education</td>
<td></td>
</tr>
</tbody>
</table>

NOTE: All complaints involving employees will also be reviewed by the Associate Superintendent, Human Resources.

Complaints Made Directly to the State Superintendent:
Complaints may be filed directly with the State Superintendent of Public Instruction in the following cases:
(i) Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.
(j) Complaints regarding Child Development and Child Nutrition programs not administered by the District.
(k) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.
(l) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
(m) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
(n) Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile.
(o) Complaints relating to Special Education, but only if:
(i) District unlawfully refuses to provide a free appropriate public education to handicapped students; or
(ii) District refuses to comply with due process procedures or fails to implement due process hearing order; or
(iii) Children may be in immediate physical danger, or their health, safety or welfare is threatened; or
(iv) A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or
(v) The complaint involves a violation of federal law.
(p) The District refuses to respond to the State Superintendent’s request for information regarding a
complaint originally filed with the District. (Cal. Code Regs., tit. 5, §§ 4630, 4650)

Appeals:
(q) Except for Williams Complaints, a complainant may appeal the District’s decision to the California Department of Education. (Ed. Code, § 262.3(a), Cal. Code Regs., tit. 5, § 4632)
(i) Appeals must be filed within fifteen (15) days of receiving the District decision.
(ii) Appeals must be in writing.
(iii) Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.
(iv) Appeals must include a copy of the original complaint and a copy of the District decision.
(v) Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department’s receipt of the appeal.
(vi) If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District must provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
(r) If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
(i) Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
(ii) The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:
In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b), Cal. Code Regs., tit. 5, § 4622)

32. Pupil-Free Staff Development Day and Minimum Day Schedule: A copy of the District’s non-attendance day and minimum day schedules is on page 5. A pupil’s parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, § 48980(c))

33. Review of Curriculum: A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for parent review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, §§ 49063, 49091.14)

34. Transitional Kindergarten: A school district or charter school may admit a child, who will have his/her fifth birthday before December 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if:
(a) the governing board or body determines that the admittance is in the best interests of the child, and
(b) the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)

35. Child Find System; Policies and Procedures: Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the Director of Student Services and/or Special Education, or his/her designee. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, §§ 56301, 34 C.F.R. § 104.32(b))

36. School Accountability Report: Parents/guardians may request a hard copy of the School Accountability Report Card which is issued annually for each school of the District. (Ed. Code, § 35256)

37. Asbestos Management Plan: An updated management plan for asbestos-containing material in school buildings is available at the District Office. (40 C.F.R. § 763.93)

38. Assistance to Cover Costs of Advanced Placement Examination Fees: The District may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged students. (Ed. Code, §§ 48980(k), 52242)

39. Every Student Succeeds Act (ESSA): The Every Student Succeeds Act (ESSA) took full effect in 2018 to replace the No Child Left Behind Act in modifying the Elementary and Secondary Education Act of 1965 (ESEA). If updates are provided by the California Department of Education, the following parent notice requirements may change and new notice requirements may be added.

• Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides: Upon request, parents have a right to information regarding the professional qualifications of their student’s classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state...
Parent Notice of Rights and Responsibilities

40. Language Acquisition Program: If a school district implements a language acquisition program pursuant to Education Code section 310, it must do the following: 1) comply with the kindergarten and grades 1-3, inclusive, class size requirements specified in Education Code section 42238.02 and (2) provide the parent or legal guardian of a minor pupil annually, or upon the pupil’s enrollment, with information on the types of language programs available to pupils enrolled in the school district, including, but not limited to, a description of each program.

41. Military Recruiter Information: Education Code section 49073.5 requires that school districts disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents request that this information not be released without prior written consent. Parents have the option of making such a request. If parents do not wish this information to be provided to military recruiters, they must fill out the form on page 81 and return it to their child’s school.

42. Children in Homeless/Foster Care Situations, Former Juvenile Court School Students, Migrant Students, and Newcomers: Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 49069.4)

The information provided above is available upon request from each student’s school or the district office. Additional notices that may be required shall be sent separately. (20 U.S.C. § 6301 et seq.)

School Identified for School Improvement: A local educational agency shall promptly provide notice to a parent or parents of each student enrolled in an elementary school or a secondary school identified for school improvement (school that fails for two consecutive years to make adequate yearly progress as defined in the State’s plan), for corrective action or for restructuring. The notice should be in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. Notice must include: an explanation of what the identification means; how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved; the reasons for the identification; an explanation of what the school identified for school improvement is doing to address the problem of low achievement; an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem; an explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and an explanation of the parents’ option to transfer their child to another public school (with transportation provided by the agency when required or to obtain supplemental educational services for the child). (ESEA § 1116(b)(6) (as amended by ESSA))

Limited English Proficient Students: The Act requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student’s level of English proficiency and how such level was assessed; the status of the student’s academic achievement; the methods of instruction used in the available programs (including content, instructional goals, and the use of English and native language); how the recommended program will meet the student’s educational strengths and needs; how the program will specifically help the student learn English and meet age-appropriate academic achievement standards; the exit requirements for the program; how the program meets the objectives of the student’s IEP, if applicable; and, parent options for removing a student from a program, declining initial enrollment and/or choosing another program. (ESEA § 1112(g)(1)(A) (as amended by ESSA)) In addition, the notice shall include whether the student is a long-term English learner or English learner at risk of becoming a long-term English Learner and the manner in which the program will meet the needs of a child identified as either a long-term English learner or English learner at risk of becoming a long-term English Learner. (Ed. Code, § 313.2)

The information provided above is available upon request from each student’s school or the district office. Additional notices that may be required shall be sent separately. (20 U.S.C. § 6301 et seq.)
Parent Notice of Rights and Responsibilities

for matriculation in that school district. The new school is required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency. (Ed. Code, § 48852.7)

Each local district shall also designate a staff person as the educational liaison for foster children. The educational liaison shall disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5)

The district serving the foster child shall allow the foster child to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including immunization history. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5)

The district receiving a transfer request or notification of a student in foster care shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student’s absence due to the decision to change placement or for a verified court appearance or related court activity. (Ed. Code, § 49069.5)

The district shall exempt from local graduation requirements a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil participating in a newcomer program for recently arrived immigrant pupils and who transfers between schools under certain circumstances. (Ed. Code, §§ 51225.1, 51225.2)

A district shall accept coursework done by a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil in a newcomer program while attending another school. The district is prohibited from requiring those students to retake courses or partial courses they have satisfactorily completed elsewhere. (Ed. Code, § 51225.2)

A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

43. Continued Education Options For Juvenile Court School Students: A Juvenile court school student, or the person holding the right to make educational decisions for the student, may voluntarily defer or decline issuance of their diploma until after the student is released from the juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding to right to make educational decisions for the student, and the student’s social worker or probation officer of all of the following:

(a) The student’s right to a diploma;
(b) How taking coursework and meeting other educational requirements will affect the student’s ability to gain admission to a post-secondary educational institution;
(c) Information about transfer opportunities available through the California Community Colleges; and
(d) The option to defer or decline the diploma and take additional coursework. (Ed. Code, §§ 48645.3(a), 48645.7)

44. Sex Equity In Career Planning: Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions. (Ed. Code, § 221.5(d))

45. Pesticide Products: All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The list on page 76 provides the name of each pesticide product, the active ingredient(s) and the Internet address for further information. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, he or she must complete the attached form and return it to his or her child’s school. A copy of the integrated pest management plan for the school site or District may be provided on the school website or viewed at the school office. (Ed. Code, §§ 4880.3, 17611.5, 17612)

46. Pregnant and Parenting Pupils: All schools are required to provide parents and guardians with annual written notice of pregnant and parenting pupils. (Ed. Code, § 222.5) 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. “Pregnant or parenting pupil” means a pupil who gives or expects to give birth or a parenting pupil who has not given birth and who identifies as the parent of the infant.

A pregnant or parenting pupil is entitled to, but not required to take, eight weeks of parental leave. This leave may be taken before the birth of the pupil’s infant if there is a medical necessity and/or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. A pregnant or parenting pupil is entitled to additional leave if deemed medically necessary by the student’s physician. (Ed. Code, §§ 46015)

The person holding the student’s educational rights (i.e. the pupil if over 18 or the parent if under 18) may notify the school of the student’s intent to exercise this right. Leave may still be taken even if notice was not provided. During the leave, the student’s absences shall be deemed excused, but the student shall not be required to complete
academic work or other school requirements.
A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave. Upon return to school after taking parental leave, a pregnant or parenting pupil is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.
A pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.
A student who chooses not to return to the school in which he or she was enrolled before taking the leave is entitled to alternative education options offered by the local educational agency to include educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.
A student will not incur any academic penalties as a result of using the accommodations in this section. (Ed. Code, § 46015)
A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations.
47. **Student Parent Lactation Accommodations:** The District is required to provide reasonable accommodations to a lactating student on a school campus to address breast-feeding needs. (Ed. Code, § 222)
A student may not be penalized academically because of the reasonable accommodations provided during the school day. A student must also be given the opportunity to make up missed work.
A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations.
48. **PE Instructional Minutes:** The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school must include physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223)
A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations.
49. **Course Assignments:** A school district is prohibited from assigning a student enrolled in any of grades 9 through 12 to any course period without educational content for more than one week in any semester, except under specified conditions. Under no circumstances can a district assign a student enrolled in any of grades 9 through 12 to a course period without educational content because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.1)
A school district is prohibited from assigning a student enrolled in grades 9 through 12 to a course that the student has previously completed and received a grade determined by the district to be sufficient to satisfy the requirements and prerequisites for admission to the California public post-secondary schools and the minimum high school graduation requirements, except under specified conditions. Under no circumstances can a district assign a student enrolled in any of grades 9 through 12 to a course the student has previously completed and received a sufficient grade, as specified, because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.2)
These sections do not apply to students in alternative schools, community day schools, continuation high schools or an opportunity school. A district may continue to authorize dual enrollment in community college, to run evening high school programs, to offer independent study, work experience education, and other specified courses.
A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 51228.3)
50. **Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs:** A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate. (Ed. Code, § 52334.7)
A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Code section 52501 or regional occupational centers and programs may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office’s participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.
51. **Pupil Fees:** A pupil enrolled in a public school must not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)
(a) The following requirements apply to prohibited pupil fees:
(i) All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
(ii) A fee waiver policy shall not make a pupil fee permissible.
(iii) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.

(iv) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil’s parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil’s parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

(b) Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. School districts, schools, and other entities are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.) A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 49013)

Notification of Rights Under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

(1) The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. 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 the parent or eligible student of the 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.

(3) 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 is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

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.

(4) The 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 are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW Washington, DC 20202-5920
Your Child Has the Right to a Free Public Education

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

Information Required for School Enrollment

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

Confidentiality of Personal Information

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

Family Safety Plans If You Are Detained or Deported

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

Right to File a Complaint

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:

Bureau of Children’s Justice
California Attorney General’s Office
P.O. Box 944255
Sacramento, CA 94244-2550
Phone: (800) 952-5225
E-mail: BCJ@doj.ca.gov
https://oag.ca.gov/bcj/complaint

The Attorney General’s publications can be downloaded at: https://www.oag.ca.gov/bcj
## Parent Notice of Rights and Responsibilities

### HEALTHY SCHOOLS ACT OF 2000

Notice to all students, parents/guardians and employees of Modesto City Schools: Assembly Bill 2260 went into effect on January 1, 2001. Amendments to AB2260 were passed in 2006, 2007 and 2015. This legislation enacted Education Code sections 17608 et seq. which require, among other things, that school districts notify parents and staff about the use of pesticides at school. See Board Policy 3514.1 – Use of Pesticides. The purpose of this legislation is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised that Modesto City Schools may use some or all of the pesticides listed on the next page at its campuses during the upcoming year. Parents/guardians of students in Modesto City Schools can register with the District’s Maintenance & Operations Department to receive notification of individual pesticide applications by calling (209) 574-1618. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application. If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department’s web-site at www.cdpr.ca.gov.

<table>
<thead>
<tr>
<th>Name of Pesticide</th>
<th>Active Ingredient(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Modesto City Schools</strong></td>
<td></td>
</tr>
<tr>
<td>Amdro Gopher Gasser</td>
<td>Potassium Nitrate, Sulfur, Carbon</td>
</tr>
<tr>
<td>Fumitoxin</td>
<td>Aluminum Phosphide</td>
</tr>
<tr>
<td>Gopher Getter Type 1</td>
<td>Strychnine</td>
</tr>
<tr>
<td>GLY-4 Herbicide</td>
<td>Glyphosate, Isopropylamine salt</td>
</tr>
<tr>
<td>Kaput-D</td>
<td>Diphascione</td>
</tr>
<tr>
<td>Roundup ProMax</td>
<td>Glyphosate, N-(phosphonomethyl) glycine</td>
</tr>
<tr>
<td>Spraypak Flying &amp; Crawling Insect Killer –4334106</td>
<td>Natural pyrethins and synthetic pyrethroid, Permethrin</td>
</tr>
<tr>
<td>Spraypak Wasp, Bee &amp; Hornet Killer –4334108</td>
<td>Synthetic pyrethroid, Tetramethrin</td>
</tr>
<tr>
<td>Stomp Wasp &amp; Hornet Spray</td>
<td>Tetramethrom, Sumithrin</td>
</tr>
<tr>
<td>Sure Stop Mole &amp; Gopher Killer Bait</td>
<td>Zinc Phosphate</td>
</tr>
<tr>
<td>The Giant Destroyer</td>
<td>Sodium Nitrate, Sulfur, Charcoal</td>
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<tr>
<td>Wilco Type I</td>
<td>Strychnine</td>
</tr>
<tr>
<td>Wilco Type II</td>
<td>Diphascione</td>
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<tr>
<td>ZP Ag Oats</td>
<td>Zinc Phosphate</td>
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<tr>
<td><strong>Paramount Pest Control Service</strong></td>
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</tr>
<tr>
<td>Suspend SC</td>
<td>Deltamethrin 4.75%</td>
</tr>
<tr>
<td>Termidor SC</td>
<td>Bifenthin 9.1%</td>
</tr>
<tr>
<td>Tengard SFR</td>
<td>Permethrin 36.8%</td>
</tr>
<tr>
<td>Widsom TC</td>
<td>Bifenthin 7.9%</td>
</tr>
<tr>
<td>250 Propoxour</td>
<td>Propoxour 1%</td>
</tr>
<tr>
<td>Cardinal Fog</td>
<td>Pyrethrin .5%</td>
</tr>
<tr>
<td>PT 565 XLO</td>
<td>Pyrethrin .25%</td>
</tr>
<tr>
<td>May Force Roach Bait</td>
<td>Fipronil .01%</td>
</tr>
<tr>
<td>Advance Ant Bait</td>
<td>Abamectin .01%</td>
</tr>
<tr>
<td>Terro Ant Bait</td>
<td>Sodium Tetraborate 5.4%</td>
</tr>
<tr>
<td>Wasp Freeze</td>
<td>d-trans Allethrin .129%</td>
</tr>
<tr>
<td>Contrac Blox</td>
<td>Bromadiolone .005%</td>
</tr>
<tr>
<td>Avitrol Whole Corn</td>
<td>4 Aminopyridine .5%</td>
</tr>
<tr>
<td><strong>Eastside Mosquito Abatement</strong></td>
<td></td>
</tr>
<tr>
<td>Kontrol 4-4</td>
<td>Inert ingredients 90.8%  Piper Oryl Butoxidtehal 4.6%,  Permethrin 4.6%</td>
</tr>
</tbody>
</table>
STUDENTS

Intradistrict Open Enrollment

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation. (cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5) (cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school’s attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5) (cf. 5116 - School Attendance Boundaries)(N/A)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state’s Open Enrollment Act list (Education Code 48354) (cf. 5118 - Open Enrollment Act Transfers)
2. Any student enrolled in a district school designated by the California Department of Education as “persistently dangerous” (20 USC 7912; 5 CCR 11992) (cf. 0450 - Comprehensive Safety Plan)(N/A)
3. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
   a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist
   b. A court order, including a temporary restraining order and injunction
5. Any sibling of a student already in attendance in that school
6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between January 10 and February 7 of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school’s capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school’s capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student’s academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5) (cf. 6172 - Gifted and Talented Student Program)(N/A)

Transportation

Except as required for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. (cf. 3250 - Transportation Fees)(N/A) (cf. 3540 - Transportation)(N/A)
Intradistrict Transfers

Legal Reference:

EDUCATION CODE
200 Prohibition against discrimination
35160.5 District policies; rules and regulations
35291 Rules
35351 Assignment of students to particular schools
46600-46611 Interdistrict attendance agreements
48200 Compulsory attendance
48204 Residency requirements for school attendance
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act
48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5
11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20
6311 State plans
7912 Transfers from persistently dangerous schools

COURT DECISIONS

ATTORNEY GENERAL OPINIONS

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Public School Choice FAQs
Every Student Succeeds Act - Update #8, July 14, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Unsafe School Choice Option, May 2004

WEB SITES
CSBA: http://www.csba.org
California Department Board of Education: http://www.cde.ca.gov

ADOPTED: April 25, 1994
REVISED: July 22, 2019
Interdistrict Attendance

MODESTO CITY SCHOOLS
Board Policy

STUDENTS

Interdistrict Attendance
The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district. (cf. 5111.1 – District Residency) (5116.1 - Intradistrict Open Enrollment)

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student’s permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student’s district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

Transportation
The district shall not provide transportation.

Legal Reference:

EDUCATION CODE
41020  Annual district audits
46600-46610  Interdistrict attendance agreements
48204  Residency requirements for school attendance
48300-48317  Student attendance alternatives, school district of choice program
48700  Grounds for suspension or expulsion; definition of bullying
48715  Expulsion; particular circumstances
48715.1  Expelled individuals; enrollment in another district
48718  Rules governing expulsion procedures
48780  Notice at beginning of term
48785  Notices to parents in language other than English
52317  Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION
Article 1, Section 31  Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

COURT DECISIONS
Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234

Management Resources:

WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov

ADOPTED: April 19, 1982
REVISED: April 27, 1987
August 20, 1990
June 28, 1993
April 25, 1994
February 28, 2005
January 20, 2015
July 22, 2019
SCHOOL YEAR 2020-2021
REQUEST FOR INTRA (within MCS) INTER (outside MCS) DISTRICT AGREEMENT
426 LOCUST ST. MODESTO, CA 95351 PH: (209) 574-1595 FX: (209) 574-1549

Is the student enrolled in a Special Education Program (Has an IEP)?

YES ☐ NO ☐

Resource Specialist (RSP) ☐ Special Day (SDC) ☐ Pending Assessment Services ☐ Other Services (Speech/Language/504) Specify: ________________________

Print Student Name ________________________ D.O.B. ___________ Grade (20-21) ___________ I.D. # ___________ Gender M or F

SCHOOL you are requesting your child attend

SCHOOL of residence

Reason for request: ________________________

NEW STUDENTS ONLY

APPROVAL IS BASED ON SPACE AVAILABILITY. TRANSPORTATION IS TO BE PROVIDED BY PARENT.

Priority reason for request (Level 1 or Level 2 requests need to be complete or student will be placed in Level 3).

Level 1 ☐ Sibling attends requested school.

Print Sibling Name: ________________________ Grade: _________ MCS ID# ___________ Level 2 ☐ Parent is a Modesto City Schools employee at requested school.

Level 3 ☐ NEW (Student will be placed in an unbiased random draw process based on school, grade, and priority level.)

Print Parent/Guardian Name ________________________

Address (Street and Apt #) ________________________

City ________________________ State ___________ Zip ___________

Home/Cell Number ________________________ Work/Alternative Number ________________________

I understand that this permit may be revoked if the student does not attend school regularly on a timely basis, maintain good citizenship/behavior, maintain passing grades, and make satisfactory progress towards promotion. I understand that student transportation is the responsibility of the parent. Continued enrollment is subject to space availability. Should overcrowding exist, your student may be transferred within the first 20 days of enrollment (B.P. 6151.2).

Parent/Guardian Signature X ________________________ Date: ____________

FOR OFFICE USE ONLY

☐ APPROVED ☐ DENIED

Requested School Principal’s Signature ________________________ Date ____________

Principal’s Reason for Denial: ________________________

If approved, is space available in Special Education Program? ☐ YES ☐ NO (Attach email from SPED) ☐ N/A

☐ APPROVED ☐ DENIED

Senior Director, Child Welfare and Attendance Signature ________________________ Date ____________

CWA Notes: ________________________

Intradistrict Deadline: February 7, 2020
Please detach this page, sign all applicable boxes, and return it to your child’s school by September 12, 2019.

ALL forms refer to the following student:

Student’s Name: _________________________________________________________________________________________
(Please Print) Last, First Middle

Date of Birth ___/___/____ School of Attendance: _______________________________________________Grade _______

Acknowledgment

☐ I received a copy of the 2019-2020 Information Handbook & Conduct Code publication which includes information regarding the Future Ready Initiative (page 10), the Conduct Code (pages 17-59), and the Parent Rights and Responsibilities (pages 60-76). I discussed this information with my student.

Parent/Guardian Signature: ____________________________________________________________ Date:_____________

Student Signature:  ____________________________________________________________________ Date:_____________

Privacy Form

(This form must be updated annually - for additional information regarding this form, see below.)

If you DO NOT want your student’s directory information released, check the appropriate box.

☐ Do not release directory information to any outside agency (see page 62, number 16).

☐ Do not release directory information to military (see page 71, number 41).

Parent/Guardian Signature: ____________________________________________________________ Date:_____________

School Use Only

Site Secretary/Clerk entering information in PowerSchool:

Name: _________________________________________________________ Date:__________

Keep this form on file at your site for the 2019-2020 school year only.
This page intentionally left blank.
TO: PARENTS/GUARDIANS OF 7TH-12TH GRADE STUDENTS       DATE: July 2019
FROM: Ed Miller, Senior Director of Child Welfare and Attendance

It is the policy of MODESTO CITY SCHOOLS to release students in grades 7-12 for medical, dental, and optometrical appointments and grant them excused absences in two ways:

1. Written notes signed ONLY by the parents/guardians;
2. Written verification by the doctor OR the parents/guardians.

If you want your child released and excused on the basis of #2 (a written verification by the doctor OR the parent/guardian), PLEASE SIGN THE AUTHORIZATION FORM AND RETURN IT TO YOUR CHILD'S SCHOOL.

If the school does not receive this authorization form signed by you, school staff will not release your child(ren) or grant an excused absence on any basis other than a note, for each medical, dental, and optometrical appointment, signed by the parent or guardian.

The schools will not accept telephone verification of appointments. If you have any questions about this policy, or the form attached, please call the Modesto City Schools Office of Child Welfare and Attendance at 574-1595.

Thank you for your time and cooperation.

MODESTO CITY SCHOOLS 2019/2020 AUTHORIZATION FORM
STUDENT RELEASED AND EXCUSED ON THE WRITTEN VERIFICATION OF THE DOCTOR

TO: SCHOOL PRINCIPAL

I authorize you to release my child(ren) for medical, dental, and optometrical appointments and to grant excused absences for these appointments on the basis of written verification of the doctor OR me.

This includes confidential medical services dealing with pregnancy, birth control information, abortion, diagnosis or treatment of a communicable or sexually transmitted disease, treatment for sexual assault, and substance abuse.

I understand this means I will not be notified by the school when doctor verification is provided.

NAME(S) OF CHILD(REN):

<table>
<thead>
<tr>
<th>Last Name, First Name, Middle Name</th>
<th>School</th>
</tr>
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<tbody>
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</tbody>
</table>

SIGNATURE OF PARENT/GUARDIAN:

Signature  Date

This form indicates authority for the school to excuse students for medical reasons for the 2019/2020 school year. In accordance with District policy, parents/guardians who authorize that the school release their child(ren) for medical reasons on the basis of written verification by the doctor or parent/guardian, must complete this form EACH SCHOOL YEAR. A photocopy of this form will be mailed to parents/guardians as verification of its receipt by the school and the signature of the parent/guardian.