

Brawley Elementary School District



2026-2027 Annual Notice of Parents' Rights & Responsibilities

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Message from the Superintendent of Schools

Dear Parents and Families,

As we begin the 2026 - 2027 school year, I am filled with pride and excitement for all that lies ahead. Our district continues to grow, evolve and raise the bar for our students and this year, we are building on that momentum in powerful new ways.

At Brawley Elementary School District, our promise remains unchanged: to support each and every child so they can reach their fullest potential. We see the whole child and are committed to their academic success, well being and bright future.

Thanks to the dedication of our educators, staff and community partners, we are expanding opportunities, adding supports and services, and investing in programs that prepare our students for today and empower them for tomorrow.

Here is what you can look forward to:

SAFE. SUPPORTED. SEEN: We are committed to creating safe, inclusive learning environments where every student feels valued, respected and cared for.

ENGAGING AND HIGH QUALITY INSTRUCTION: Our educators are focused on delivering standards aligned, engaging instruction that challenges and inspires every learner.

WHOLE CHILD APPROACH: We support the academic, social emotional and physical well being of every child because healthy kids learn, grow and thrive.

FAMILY AND COMMUNITY PARTNERSHIPS: We value our partnerships with families and community organizations to provide enriching experiences and real world opportunities.

PREPARING STUDENTS FOR THE FUTURE: From the arts to academics, from innovation to leadership, we are preparing our students to be confident, capable and college and career ready.

OUR COMMITMENT. OUR PROMISE: We will continue adding supports and services that help every student feel safe, supported and inspired to learn. We are in this together and when our students thrive, our entire community shines. *Every Child. Every Day. Whatever It Takes.*

Thank you for being an essential part of our Brawley Elementary School District family. Let's make the 2026-2027 school year our best one yet!

With gratitude and commitment,

Luis C. Panduro

Superintendent

Brawley Elementary School District

Brawley Elementary School District
School Calendar 2026-2027

August 17, 2026	First Day of School
September 7, 2026	Labor Day - Holiday
November 11, 2026	Veteran's Day - Holiday
November 23 - 27, 2026	Thanksgiving Break
December 21, 2026 - Jan 1, 2027	Winter Break
January 4, 2027	Inservice Day/Non-Student Day
January 18, 2027	Martin Luther King Jr. Day - Holiday
February 8, 2027	Lincoln's Birthday - Holiday
February 15, 2027	President's Day - Holiday
March 26 - April 2, 2027	Spring Break
May 31, 2027	Memorial Day - Holiday
June 2, 2027	Last Day of School

Attendance

Excused Absences

EC 46014, 48205, 48263; BESD BP 5113

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for the following reasons:

1. Personal illness, including absence for the benefit of the student's mental or behavioral health.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometrical, or chiropractic service or appointment.
4. Attendance at funeral services for or grieving the death of a member of the student's immediate family or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family. A student may be excused for this reason for up to five days for each incident.
5. Illness or medical appointment of a child to whom the student is the custodial parent.
6. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including but not limited to:
 - a. Attendance or Appearance in court
 - b. Attendance at a funeral service
 - c. Observation of a religious holiday or ceremony
 - d. Attendance at religious retreats for no more than one school day each semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
7. Service as a member of a precinct board for an election pursuant to Elections Code 12302.
8. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment. Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee.
9. Attendance at the student's naturalization ceremony to become a United States citizen.
10. Participation in cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people.
11. For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence. Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence per school year. (Education Code 48205)
Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence each school year.
12. When a student's immediate family member or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family has died.
 - a. To access services from a victim services organization or agency
 - b. To access grief support services
 - c. To participate in safety planning or take other actions, including, but not limited to, temporary or permanent relocation, to increase the safety of the student, an immediate family member of the student, or a person determined by the student's parent/guardian to be in such close association with the student has to be considered immediate family.

Such absence shall be excused for not more than three days for each incident.

13. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school property as designated by the religious group, church, or denomination. Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month.

14. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances.

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note.

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student.

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, or voicemail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
4. Physician's verification.
 - a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
 - b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absence.

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral or religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination.

2. Notify students in grades 7-8 and the parents/guardians of all students enrolled in the district that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.
3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

Chronic Absence and Truancy

EC 48260 et seq., 48320 et seq., 51101, BP/AR: 5113.1

California law requires full-time attendance and punctuality of every student between 6 and 18 years of age. Schools are required to enforce the law and parents are responsible to compel the attendance of their children at school. As such, absences can be minimized by scheduling medical, dental, and other appointments after school or when school is not in session; vacations should be planned when school is not in session.

The School Attendance Review Board (SARB) is a multidisciplinary panel composed of school personnel, agency partners and community-based organizations that works to address attendance and/or behavior problems. Specifically, the panel may include, BESD staff, representatives from child welfare and attendance personnel, school guidance personnel, county office of education, county probation department, county welfare department, law enforcement agencies, community-based youth service centers, school/county health care personnel, school/county/community mental health personnel, county district attorney's office, and county public defender's office. The intent of SARB is to resolve school-related issues through the use of available school and community resources. Failure to meet with SARB or follow its directives can result in a referral to the District Attorney's Office for truancy mediation and/or prosecution.

Truancy

A student is considered *truant* after three absences or three tardies of more than 30 minutes each time or any combination thereof and the absences or tardies are unexcused. After a student has been reported as a truant three or more times in a school year and the BESD has made a conscientious effort to meet with the family, the student is considered a *habitual truant*. A student who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, from the date of enrollment to the current date, is considered a *chronic truant*. Unexcused absences are all absences that are not described in EC 48205 and AR 5113 - Absences and Excuses.

Parents of students who are identified as truant will receive truancy notifications that may result in a referral to the School Attendance Review Team (SART) and SARB if attendance does not improve. Additionally, the school attendance supervisor, administrator or designee, a peace officer, or probation officer may arrest or assume temporary custody during school hours, of any minor who is found away from their home and who is absent from school without valid excuse within the county, city or school.

Chronic Absenteeism

A student is considered a chronic absentee when they are absent on 10% or more of the school days in one school year, from the date of enrollment to the current date. Chronic absenteeism includes all absences - excused and unexcused - and is an important measure because excessive absences negatively impact academic achievement and student engagement.

The school will make every effort to work with students who are identified as chronic absentees to improve attendance. The SART/SARB and other multidisciplinary teams may be convened to offer assistance, suggestions, and ongoing support for students that have a history of poor or irregular attendance.

Enrollment

Attendance Options/Permits

EC 48980(h); BESD BP 5111, 5116, 5116.1 and 5117; BESD AR 5111.1, 5111.12, 5116 and 5117

The Board of Trustees 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 and resources. 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.

Interdistrict Attendance

EC 46600 et seq.

The Board of Trustees 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.

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.

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.

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

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an Interdistrict transfer who is eligible for free or reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600.

The district shall not provide transportation beyond any school attendance area. Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence.

In addition, the Superintendent or designee may approve or deny any interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries
2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel.
3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance
4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year after April 1st
5. To allow the student to remain with a class promoting that year from middle school
6. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future (within two months) and would like the student to start the school year in the district. Specific and written evidence, such as a home purchase agreement or lease/rental agreement, must be provided to the District as verification of the pending move.
7. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence
8. When there is valid interest in a particular educational program not offered in the district of residence
9. To provide a change in school environment for reasons of personal and social adjustment

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

Transfers out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer.

If the district is unable to provide an intradistrict transfer to a student who is a victim of an act of bullying, as defined in Education Code 46600, the district shall not prohibit the student from transferring out of the district if the district of proposed enrollment approves the application for transfer.

The district may limit transfers out of the district to a school district of choice under any of the following circumstances:

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of

choice.

Intradistrict Open Enrollment

EC 35160.5(b)

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.

The Board shall annually review this policy.

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area.

The Superintendent or designee shall grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous"
2. Is a victim of a violent crime while on school grounds
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1. If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request from another district school
4. Is a sibling of another student already attending that school
5. Has a parent/guardian whose primary place of employment is that school

Application and Selection Process

In order to ensure that priorities for enrollment in district school are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted between April 1st and last school day in May 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 non-arbitrary manner using student enrollment and available space.

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a district school receives admission requests that are in excess of the school's capacity.

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

Transportation

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying.

Residency

EC 48200 and 48204

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

1. The student's parent/guardian resides within district boundaries.
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement.
3. The student has been admitted through an interdistrict attendance option.
4. The student is an emancipated minor residing within district boundaries.
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect.
6. The student resides in a state hospital located within district boundaries.
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability.
8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week.
9. The student's parent/guardian, while on active military duty pursuant to an official military order is transferred or is pending transfer to a military installation within the state.
10. The student's parent/guardian was a resident of California who departed the state against his/her will due to transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of the state as a result of his/her parent/guardian's departure.

Proof of Residency

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district.

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following:

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian

8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment or federal government or public-private venture off-base military housing.

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in section "Criteria for Residency: above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state.

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency.

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record.

Residency Investigations

EC 48204.2; BESD BP 5111.1

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency.

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district.

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in an open and public view.

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.

Persistently Dangerous School

20 USC 7912; BESD BP 5116.1

Any student attending a school designated by the California Department of Education as “persistently dangerous” shall be provided an option to transfer to another district school or charter school. For more information, please contact the District at (760) 344-2330.

Victim of a Violent Crime

20 USC 7912; BESD BP 5116.1

A student who becomes a victim of a violent criminal offense while in or on the grounds of a school that the student attends, has the right to transfer to another school within the district. The district has 14 calendar days to offer students the option to transfer. For more information, please contact the District at (760) 344-2330.

Home-to School Transportation

BESD BP 3541.1 and 3541.2; BESD AR 3541, 3541.1, 3541.2 and 3543

Transportation Safety Plan for Boarding and Exiting Buses

Requires school districts to provide bus safety regulations to all new students in pre-kindergarten, kindergarten and first through sixth grade inclusive who were not previously transported by school bus. The bus safety regulations shall include: a list of school bus stops near each pupil’s home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops. Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: proper loading and unloading procedures, including escorting by the driver, how to safely cross the street, highway, or private road, proper use of passenger restraint system (when applicable), proper passenger conduct, bus evacuation procedures and location of emergency equipment. The Transportation Safety Plan is available from the district’s Maintenance and Transportation Department. Rev. 3/12/19 AR3543

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol.

Parental Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades pre-kindergarten through 6 who have not previously been transported in a school bus or student activity bus. This information shall be provided upon registration and shall contain:

1. A list of school bus stops near each student’s home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. A description of the school bus danger zone
5. Instructions for safety while walking to and from school bus stops

Student Instruction

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows:

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.
2. At least once each school year, all students in grades pre-kindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:
 - a. Proper loading and unloading procedures, including escorting by the driver
 - b. How to safely cross the street, highway, or private road
 - c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times a which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
 - d. Proper passenger conduct
 - e. Bus evacuation procedures
 - f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit.

Each time the above instruction is given, the following information shall be documented:

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Patrol.

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to, the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

Admission

Age of Admittance to Transitional Kindergarten, Kindergarten and First Grade

At the beginning of each school year, the Superintendent or designee shall enroll any eligible child whose fifth or sixth birthday is on or before September 1 of that year into kindergarten or first grade, as applicable. (Education Code 480

Any child who will have his/her 4th birthday by September 1 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and as specified in BP 6170.1 - Transitional Kindergarten.

During open enrollment, the district may admit into the TK program a child whose fifth birthday is after the date specified for admittance for the applicable year as described below:

1. For the 2022-23 school year, children whose fifth birthday is between September 2 and February 2.
2. For the 2023-24 school year, children whose fifth birthday is between September 2 and April 2.
3. For the 2024-25 school year, children whose fifth birthday is between September 2 and June 2.
4. For the 2025-26 school year, and in each school year thereafter, children who turn four by September 1

The Governing Board may admit a student whose birthday is after the designated window above as long as the birthday is **not more than one month after such window**. From year to year, the Superintendent will make a determination on how many four year old students will be enrolled outside of the specified window.

On a case-by-case basis, and with the approval of the child's parent/guardian, a child who will turn five years old in a given school year may be enrolled in kindergarten at any time during that school year provided that:

1. The Governing Board determines that admittance is in the best interest of the child.
2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

The Superintendent or designee shall make a recommendation to the Board regarding whether a child should be granted early entry to kindergarten, as appropriate. In doing so, the Superintendent or designee shall consider various factors including the availability of classroom space and any negotiated maximum class size.

Documentation of Age/Grade

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. (Education Code 48002)

Evidence of the child's age may include:

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth
2. A duly attested baptism certificate
3. A passport
4. When none of the above documents is obtainable, an affidavit of the parent/guardian
5. Other means prescribed by the Board

Facilities

Asbestos Management Plan

40 CFR 763.93

A complete, updated management plan for asbestos-containing materials in school buildings is available on request by parents, teachers and employee organizations.

Pesticide Products

EC 17612; BESD AR 3514.2

The District is required to provide to the parents the name of all pesticide products expected to be applied at school facilities during the upcoming school year. Such notice will be provided at the beginning of the first semester and will include identification of the active ingredients in each pesticide, and the Internet address used to access information on pesticides developed by the Department of Pesticide Regulation. Parents and guardians have the right to register with the district if they wish to receive notification of individual pesticide applications at a particular school facility. Pesticides expected to be applied in the Brawley Elementary School District during the 2026 - 2027 school year are as follows:

Product Name:	Active Ingredient:
Talstar XTRA Granular Insecticide	Zeta-Cypermethrin and Bifenthrin
Wisdom TC & Granular	Bifenthrin
Termidor SC	Fipronil
Advance 375 A	Abamectin
Gentrol IGR	Hydropene
Intice 10, Intice Granular Bait	Orthoboric Acid
PT Wasp Freeze	Prallethrin
Tri Die Dust	Silica Gel
Suspend Polizone	Deltamethrin

Health and Nutrition

Concussion and Head Injuries

EC 49475

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. A school district that elects to offer athletic programs must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The athlete may not return to that activity until he or she is evaluated by, and receives written clearance from, a licensed healthcare provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete's initiating practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

Confidential Medical Services

EC 46010.1 BESD BP 5113

School authorities may excuse any pupil in grades 7-8 from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.

COVID-19 Procedures

Screening

Parents/guardians need to screen students each day before leaving for school. Parents should check students' temperatures to ensure temperatures are below 100.4 degrees Fahrenheit. Verify that the student does not have symptoms outlined by public health officials. The student needs to be kept home if they have symptoms consistent with COVID-19. Please notify the school to report the absence and reason.

Student Isolation/Sick

Any student who displays symptoms of COVID-19 while on District facilities will be immediately isolated from other students. Parents/guardians will be notified and should make arrangements to quickly pick-up the student. Emergency cards must be kept current with contact information.

Entrance Health Screening

HSC 124085, 124100, and 124105; BESD AR 5141.32

State law requires that the parent or legal guardian of each pupil provide the school documentary proof that the pupil has received a health screening examination by a doctor within 18 months prior to entrance or 90 days after entrance to first grade. Pupils may be excluded up to 5 days from school for failing to comply or not providing a waiver. The Child Health and Disability Prevention (CHDP) program has been established to assist eligible low-income families in obtaining the health screening.

Sudden Cardiac Prevention Act

EC 33479

Each school year before starting California Interscholastic Federation (CIF) activities and non-CIF activities, the school shall collect and retain a copy of sudden cardiac arrest information acknowledgment from a parent or guardian. A pupil who passes out or faints while participating or immediately following athletic activity, shall be removed by the athletic director, coach, trainer, or authorized person. In the absence of an athletic trainer, a coach shall notify the parent/guardian to determine what treatment, if any, the pupil should seek. A pupil who is removed shall not be permitted to return until evaluated and cleared by a physician. This does not apply to physical education activities during the regular school day. For more information, please contact the District at (760) 344-2330.

Free and Reduced-Price Meals/Community Eligibility Provision (CEP)

EC 49510 et seq.; BESD BP 3553

The Brawley Elementary School District participates in the Community Eligibility Provision (CEP), a non-pricing meal service option for schools and school districts in low-income areas, in lieu of the free and reduced-price meal application process. CEP allows the nation's highest poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students.

The District is still required to collect a Household Income Data Collection Form in order to receive funding. This form will be included in the enrollment packet during the start of the school registration and sent out to parents at the beginning of the school year. Please complete and return this form to support the school in getting the most funding possible. For more information, contact the District at (760) 344-2330 extension 1028.

Immunizations/Communicable Diseases

EC 49403 and 48216; HSC 120335, 120365, 120370, and 120375; BESD BP 5141.31 and BESD AR 5141.31

Students must be immunized against certain communicable diseases. Students are prohibited from attending school unless immunization requirements are met for age and grade. The school district shall cooperate with local health

officials in measures necessary for the prevention and control of communicable diseases in school age children. The district may use any funds, property, or personnel and may permit any person licensed as a physician or registered nurse to administer an immunizing agent to any student whose parents have consented in writing.

Beginning January 1, 2016, parents of students in any school will no longer be allowed to submit a personal beliefs exemption to a currently required vaccine. A personal beliefs exemption on file at school prior to January 1, 2016 will continue to be valid until the student enters the next grade span at kindergarten (including transitional kindergarten) or 7th grade.

Students are not required to have immunizations if they attend a home-based private school or an independent study program and do not receive classroom-based instruction. However, parents must continue to provide immunizations records for these students to their schools. The immunization requirements do not prohibit students from accessing special education and related services required by their individual education programs.

A student not fully immunized may be temporarily excluded from a school or other institution when that child has been exposed to a specific disease and whose documentary proof of immunization status does not show proof of immunization against one of the communicable diseases described above.

State law requires the following immunizations before a child may attend school:

- All new students, in transitional/regular kindergarten through grade 12th, to the Brawley Elementary School District must provide proof of polio, diphtheria, pertussis, tetanus, measles, mumps, rubella, and varicella immunizations,
- All transitional kindergarten and kindergarten students must also provide proof of vaccination against hepatitis B.
- All seventh grade students must also provide proof of a second varicella, a second measles-containing vaccine, and a pertussis booster vaccine (TDAP), and all other immunizations up to date.

Free-or low-cost immunizations for children are available through the Imperial County Public Health Department. Please call (44) 265-1444.

District Participation in LEA Medi-Cal Billing Program

The District, in cooperation with the California Departments of Health Care Services and Education, participates in a program that allows the district to be reimbursed with federal Medicaid dollars for select health services provided to enrolled Medi-Cal students at school. The money received through this program is directly reinvested into expanding and improving health and social services for all students. In accordance with state and federal rules and guidelines, we are notifying you that some information may be released from your student's records to our reimbursement recovery vendor, Practi-Cal, Inc. and to the Department of Health Care Services (DHCS) for claiming purposes only (and your child's Medi-Cal benefits may be accessed). This information is only released if we have received your consent to do so. Your consent may have been provided to the district when you registered your student for school, as part of your back-to school paperwork, or during the IEP/IFSP development and review process (if applicable). All information that is shared is encrypted and transmitted securely to both our vendor and to DHCS. The education records that may be shared as a result of our participation in this program include:

- Student name, date of birth, and health-related evaluation, intervention, and referral information (for services received at school)
- Practitioner's notes related to these health services and select data from child's IEP/IFSP (if applicable)

You have the right to withdraw your consent to disclose your student's information at any time—feel free to visit your school's front desk to discuss this program. Please note that students will not be denied services they require to attend school, and parents will never be billed by the school district for services provided as a result of your consent, or nonconsent. Further, while Medi-Cal benefits should not be impacted in any way. We participate in this program in an effort to obtain federal funding for the Medi-Cal reimbursable health services already being performed at school, and then use this funding to expand services that are available to all students.

Additional notes:

- Confidentiality & Privacy. The district's reimbursement recovery vendor is bound by a contract that contains specific provisions to keep students' records confidential, ensuring information is not used or disclosed inappropriately; further, our vendor is HIPAA compliant. In addition, the district and DHCS are bound by agreements that include specific provisions about the use of the information shared in this program, and governing security protocols.
- Third Party Liability. If your student is enrolled in Medi-Cal and is also covered by a third party insurer. DHCS may attempt to recover third party liability if they pay a school based claim submitted by us. This occurs due to the assignment of third party liability rights that was provided when your application to Medi-Cal was approved.

Medical and Hospital Services for Pupils

EC 49471

The District does not provide medical or hospital services through non-profit membership corporations or insurance policies for pupil injuries arising out of school-related activities.

Medical or Hospital Service (Student Accident Insurance)

EC 49472

The district is required to notify parents in writing if it does not provide or make available medical and hospital services for students injured while participating in athletic activities. No student shall be compelled to accept such service without his/her consent, or, if a minor, without the consent of a parent or guardian.

Medication Regimen

EC 49414, 49414.7, 49423, and 49423.1; BESD BP 5141.21

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

In addition, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

Administration of Prescribed Medication by School Personnel

Any parent of a student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician, surgeon or physician assistant and a parental request for assistance in administering the physician, surgeon or physician assistant's instructions. School policy requires that any student bringing medication to school shall have written instructions regarding its use and shall store the medication in the school office/designated location which may be administered by a designated employee.

The following is a parent guide and checklist for students that need medication while at school:

- a. Talk to your child's doctor about making a medicine schedule so that your child does not have to take medicine while at school
- b. If your child is regularly taking medicine for an ongoing health problem, even if he or she only takes the medicine at home, give a written note to the school nurse or other designated school employee at the beginning of each school year. You must list the medicine being taken, the current amount taken, and the name of the doctor who prescribed it (EC 49480).
- c. If your child must take medicine while at school, give the school a written note from you and a written note from your child's doctor or other health care provider, who is licensed to practice in California. Provide new, updated notes at the beginning of each school year and whenever there is any change in the medicine, instructions, or doctor (EC 49423).
- d. As parent or guardian, you must supply the school with all medicine your child must take during the school day. You or another adult must deliver the medicine to school, except medicine your child is authorized to carry and take by him or herself.
- e. All controlled medicine, like Ritalin, must be counted and recorded on a medicine log when delivered to the school. You or another adult who delivered the medicine should verify the count by signing the log.
- f. Each medicine your child must be given at school must be in a separate container labeled by a pharmacist licensed in the United States. The container must list your child's name, doctor's name, name of the medicine, and instructions for when to take the medicine and how much to take.

- g. Pick up all discontinued, outdated, and/or unused medicine before the end of the school year.
- h. Know and follow the medicine policy of your child's school.

Administration of Epilepsy Medication

If a pupil with epilepsy has been prescribed an emergency anti-seizure medication by his or her health care provider, the pupil's parent or guardian may request the pupil's school to have one or more of its employees receive training in the administration of an emergency anti-seizure medication in the event that the pupil suffers a seizure when a nurse is not available.

Emergency Treatment for Anaphylaxis

Anaphylaxis is a severe and potentially life-threatening allergic reaction that can occur after encountering an allergic trigger, such as food, medicine, and insect bite, latex or exercise. Symptoms include narrowing of the airways, rashes or hives, nausea or vomiting, a weak pulse and dizziness. It is estimated that approximately 25% of the anaphylactic reactions occur during school hours to students who had not previously been diagnosed with a food or other allergy. Without immediate administration of epinephrine followed by calling emergency medical services, death can occur. Being able to recognize and treat it quickly can save lives. Recent changes to EC 49414 now require school districts to provide epinephrine auto-injectors to school nurses and trained personnel and authorizes them to use epinephrine auto-injectors for any student who may be experiencing anaphylaxis, regardless of known history.

Mandated Health Screenings

EC 49452, 49452.5, 49454, 49455; BESD BP 5141.3

Hearing Screening

Hearing screening is mandated in kindergarten/first grade and in second, and fifth grades and upon first school entry. Hearing screening in California public schools must be conducted by a credentialed school audiometrist.

Evaluation of a student's hearing may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an audiologist specifying the results of an examination of the student's hearing.

Vision Screening

All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher. For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record.

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision.

Scoliosis Screening

Each female student in grade 7 and each male student in grade 8 may be screened for scoliosis. The screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law.

A letter informing parents of scoliosis screening will go home one week before scheduled screening. If parents wish to exclude their child from scoliosis screening the accompanying letter must be returned to the school no later than the day of screening.

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age.

Type 1 & Type 2 Diabetes Information

The Superintendent or designee shall provide parents/guardians of children enrolled in elementary school for the first time (ED 49452.6) and incoming 7th graders (EC49452.7) regarding Type 1 and Type 2 Diabetes with the annual notifications pursuant to Education Code 48980, an information sheet developed by the California Department of Education (CDE) regarding type 1 & type 2 diabetes as specified in Education Code 49452.6.

Oral Health Assessment

EC 49452.8; BESD AR 5141.3

A record of a dental assessment done by a dental professional is required for all kindergartners and first graders attending public school for the first time. Dental assessments must be completed in the 12 months prior to entry or by May 31 of the pupil's first school year.

Physical Examination

EC 49451; BESD AR 5141.3

A parent or guardian may file annually with the school principal a written statement, signed by the parent or legal guardian, withholding consent to a physical examination of the pupil. However, whenever there is good reason to believe that the pupil is suffering from a recognized contagious or infectious disease, the pupil shall be sent home and shall not be permitted to return until school authorities are satisfied that the contagious or infectious disease no longer exists.

Pupil Safety - Synthetic Drug Use & Opioid Overdose

EC 48985.5 and EC 49414.3

Synthetic drugs that are not prescribed by a physician, such as fentanyl or opioids, are extremely dangerous, and there is the possibility that dangerous synthetic drugs can be found in counterfeit pills. The Superintendent or designee shall make naloxone hydrochloride or another opioid antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose.

Instruction

Assessment for Special Education

EC 56300, 56301, 56302 & 56329; BESD BP 6164.4 and BESD AR 6164.4

Parents have the right to initiate a referral in writing for assessment to identify students (ages 0-21 years) who may need assessment for special education services or accommodation under Section 504 of the Rehabilitation Act of 1973. If parents disagree with the results of the district's assessment, they have a right to request an independent educational assessment at public expense from the district. Parents who disagree with the identification, placement, services or accommodations for the students may appeal through a hearing process.

If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom. If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to observe the proposed new setting.

If you unilaterally place your child in a nonpublic school and you propose the placement in the nonpublic school to be publicly financed, the school district must be given the opportunity to observe the proposed placement and your child in the proposed placement.

Availability of Prospectus

EC 49063 and 49091.14

Each school must annually compile a prospectus of the curriculum to include titles, descriptions and instructional goals for every course offered by the school. Please contact the site principal for more information regarding the curriculum.

Before & After School Programs

EC 8482.6, 8483, and 8483.1

Students who are identified as homeless or foster children have a right to receive priority enrollment; second priority in programs serving middle and junior high school pupils goes to those who attend daily. To request priority enrollment, please contact the Director of Special Projects at (760) 344-2330 Ext. 1028. No current participant in a before or after school program shall be disenrolled in order to allow enrollment of a student with priority enrollment

Bilingual Education

EC 52173; 5 CCR 11303

Parents shall be provided an opportunity for consultation prior to placement of their child in a program of bilingual education. A parent or guardian shall be notified or informed 1) in a simple, nontechnical description of purposes, method, and content of the program; 2) that they have the right and are encouraged to visit classes and to come to the school for a conference to explain the nature and objectives of bilingual education; 3) of their right not to have their child enrolled in such a program; and 4) the opportunity to participate in the school or school district advisory committee, or both. Written notice shall be provided in English and the primary language of the pupil. For more information, contact the district's Director of Migrant and Continuous Improvement Services at (760) 344-2330 extension 1009.

California Healthy Youth Act (Sex and HIV/AIDS Education)

EC 51938; BESD BP 6142.1

The Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's educational program shall address the goals of the California Healthy Youth Act pursuant to Education Code [51930-51939](#), including providing students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote students' understanding of sexuality as a normal part of human development and their development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

The district's curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. The district's program shall comply with the requirement of law, Board policy, and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

At the appropriate time during the year but prior to instruction, parents/guardians shall be notified about instruction in comprehensive sexual health education and HIV/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians:

- a. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education is available for inspection.
- b. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education.
- c. That parents/guardians have a right to request a copy of Education Code 51930-51939.
- d. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants.

If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education, the notification shall include:

- a. The date of the instruction
- b. The name of the organization or affiliation of each guest speaker
- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the district shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given.

Career Counseling and Course Selection

EC 221.5(d); BESD AR 6164.2

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

Child Find System

EC 56301

The district is a member of the Imperial County Special Education Local Plan Area which has established written policies and procedures including continuous child find systems including children with disabilities who are migrant, homeless, or wards of the state, and children with disabilities attending private schools. Policies and procedures include written notification to all parents of their right regarding identification, referral, assessment, instructional planning, implementation, review, and procedures for initiating referral for assessment. For more information, please contact the District Office at (760) 344-2330.

Educational Equity: Immigration and Citizenship Status

EC 200, 220 & 234.1 (adding Article 5.7 to EC 234.7), 66251, 66260.6, 66270, 66270.3; BESD BP 5145.13 and BESD AR 5145.13

Educational Equity

Children have a right to a free public education, regardless of immigration status, citizenship status, or religious beliefs. When enrolling a child, schools must accept a variety of documents from the student's parent to demonstrate proof of the child's age or residency. No information about citizenship/immigration status or Social Security number is required to enroll in school. Parents have the option to provide a school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for a minor student in the event the parent is detained or deported. Parents have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for a minor student. Students have the right to report a hate crime or file a complaint

to the school district if they are discriminated against, harassed, intimidated, or bullied on the basis of actual or perceived nationality, ethnicity, or immigration status.

The California Attorney General's website provides "California Laws Protecting Immigrants' Civil Rights" resources for immigrant students and family members online at <https://oag.ca.gov/immigrant/ca-law>.

Immigration and Citizenship Status

All persons in public schools, regardless of their Immigration status, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, are to be afforded equal rights and opportunities in the schools, and are not to be discriminated against on the basis of these specific characteristics in any program or activity conducted by the school that receives or benefits from state financial assistance or enrolls students who receive state financial aid. School officials are prohibited from collecting information or documents regarding citizenship or immigration status of students or their family members. Schools are to adopt a policy that prohibits and adopts a process for receiving and investigating complaints of , harassment, intimidation, and bullying based on those actual or perceived specified characteristics. The Superintendent of a school district or county office of education and principal of a charter school are to report to the governing board of local education agencies in a timely manner any requests for information or access to the school site by an officer or employee or a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures for confidentiality and privacy of any potentially identifying information. Schools are encouraged, when an employee is aware that a student's parent or guardian is not available to care for the student, to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the student's care unless the school is able to arrange for care through the use of emergency contact information or instructions provided by the student's parent or guardian. Governing boards or schools are to provide information to parents and guardians as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs.

Educational Liaison for Foster Children

EC 28645.5, 48204, 48853 and 48853.5; WIC 317 and 16010; BESD BP 6173.1

Foster youth are ensured school placements in their best interest, including the least restrictive educational program, access to academic resources/services/extracurricular/enrichment activities, full and partial credit for courses taken, and opportunities to meet state pupil academic achievement standards. Foster youth can be assisted by the Director of Special Projects located at 261 D Street, Brawley, CA 92227 or via telephone at (760) 344-2330 Ext. 1028.

English Learners

EC 310; CCR 11309; 20 USCA 7021(a); BESD BP 6174

At the beginning of each school year, parents/guardians shall be informed of the placement of their child in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)

Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following:

1. The reason for the student's classification as an English learner.
2. The level of the student's English proficiency.
3. A description of the program for English language development instruction, including a description of all of the following:
 - a. The manner in which the program will meet the educational strengths and needs of the student
 - b. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
 - c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English learners, and the expected rate of graduation from secondary school if applicable
 - d. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. Information regarding a parent/guardian's option to decline to allow the student to be enrolled in the program or to choose to allow the student to be enrolled in an alternative program.
5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered.

Parents may contact the Manager of Migrant & English Learner Services, Olga Leon at (760) 344-2330 Ext. 1007, for more information about the district's English learner programs.

English Learners Identification Notice

EC 313.2

Parents are to be notified by schools that in addition to the child's English proficiency status, for which they are notified using the English Language Proficiency for Assessments for California (ELPAC), and they are to be notified that their child is a "Long-term English Learner" or is an "English learner at-risk of becoming a Long-term English Learner".

Harm or Destruction of Animals

EC 32255 et seq.: BESD AR 5145.8

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

Homeless- McKinney Vento Act

BESD BP 6173

The Governing Board desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students. Families experiencing homelessness can be assisted by the Director of Special Projects located at 261 D Street, Brawley, CA 92227 or via telephone at (760) 344-2330 Ext. 1028.

Instruction for Pupils with Temporary Disabilities

EC 48206.3, 48207 and 48208; BESD AR 6183

A pupil with a temporary disability that makes attendance in the regular day classes or alternative education program in which the pupil is enrolled impossible or inadvisable shall receive either individual instruction at home provided by the school district in which the pupil is deemed to reside, or individual instruction in a hospital or other residential health facility, excluding state hospital, provided by the school district in which the hospital or other residential health facility is located. "Temporary disability" instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026.

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment.

The district shall offer at least one hour of instruction for every day of instruction offered by the district in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by the district in any fiscal year.

In so far as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

Language Acquisition Program

EC 310; 5 CCR 11309

Parents and guardians of children placed in a structured English immersion program must be notified of such placement and be provided an opportunity to apply for a parental exception waiver. In order to obtain a parental exception waiver or for more details regarding this program, please contact the school principal.

Migrant Education

EC 5444.2; BESD BP 6175 and BESD AR 6175

The Brawley Elementary School District's Migrant Program actively solicits parental involvement in the planning, operation, and evaluation of its programs through the establishment of, and consultation with, a parent advisory council. If you would like more information or would like to get involved, please contact the district's Manager of Migrant & English Learner Services located at 261 D Street, Brawley, CA 92227 or via telephone at (760) 344-2330 Ext. 1007.

Minimum Days and Pupil-free Staff Development Days

EC 48980(c)

Parents shall be advised of (no later than one month prior to) any scheduled minimum days or student free staff development days. Minimum days for the 2026 -27 school year are as follows:

Minimum Days:

BESD has Minimum Days every Friday
August 17 - 21, 2026 - First Week of School
October 27 - 30, 2026 - Parent Conference Week (Jr. High)
November 16 - 19, 2026 - Parent Conference Week (Elementary Sites)
June 1 - 2, 2027 - Last Week of School

Pupil-Free Staff Development Days:

January 4, 2027 - Inservice Day for All Teachers/ Non-Student Day

Need for Special Services or Accommodations

EC 56020, et seq.

If you have reason to believe that your child (ages 0 through 21) has a disability which requires special services or accommodations, bring this to the attention of the school office.

Notice of Alternative Schools

EC 58501

California state law authorizes all school districts to provide for alternative schools. Education Code 58500 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. Recognizes that the best learning takes place when the student learns because of his/her desire to learn
- c. Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may be conceived by him/her totally and independently

- or may result in whole or in part from a presentation by his/her 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 the district, and the principal's office in each attendance unit have copies of the law available for your information. This law particularly authorizes interested persons to request the Governing Board of the district to establish alternative school programs in each district.

For more information on these programs, contact the Educational Services Department at (760) 344-2330 Ext.1011

Section 504 - Services for Students with Disabilities

29 USC 794; 34 CFR 104.32; BESD BP 6164.6 and BESD AR 6164.6

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973:

Special Education Compliance Officer
261 D Street
Brawley, CA 92227
(760) 344-2330 Ext. 1008

Definitions

For the purpose of implementing Section 504 of the Rehabilitation Act of 1973, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of nondisabled students are met, without cost to the student or his/her parent/guardian, except when a fee is imposed on nondisabled students.

A student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities.

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological: musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine.

Mental impairment means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Substantially limits major life activities means limiting a person's ability to perform functions such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also include major bodily functions such as functions of the immune system, normal cell growth, and digestive, bowel,

bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Substantially limits shall be determined without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigation measures include, but are not limited to, medications, prosthetic devices, assistive devices, learned behavioral, or adaptive neurological modifications which an individual may use to eliminate or reduce the effects of an impairment.

Referral, Identification, and Evaluation

Any action or decision to be taken by the district involving the referral identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.
2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

3. If it is determined that the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement.

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

The district's evaluation procedures shall ensure that the tests and other evaluation materials:

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient
- c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure Section 504 Services Plan and Placement.

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions:
The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34.

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents/guardians/ shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs.
5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame.
6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the school receives a copy of the plan prior to the student's enrollment in the new school.

Review and Re-evaluation

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

Procedural Safeguards

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, he/she may request a Section 504 due process hearing.

Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
 - a) The specific nature of the decision with which he/she disagrees
 - b) The specific relief he/she seeks
 - c) Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and Section 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause if by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.
4. The parties to the hearing shall be afforded the right to:
 - a. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
 - b. Present written and oral evidence
 - c. Question and cross-examine witnesses
 - d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504.

School Accountability Report Card

EC 35256 and 35258

Parents may obtain a copy of any school's annual School Accountability Report Card at the district office, each school site, or the district website (www.besd.org) or at California Department of Education's website (www.sarconline.org). Each school is required to maintain copies of their individual School Accountability Report Card which shall be provided upon request.

Human Trafficking Prevention Resources

EC 49381

The governing board of a school district and the governing body of a charter school shall work to maintain from grades 6 to 12, inclusive, to identify the most appropriate methods of informing parents and guardians of pupils in those grades of human trafficking prevention resources and to implement the identified methods in those schools by January 1, 2020.

Parent Notifications

California State Testing

Every year, California students take several statewide tests. When combined with other measures such as grades, class work, and teacher observations, these tests give families and teachers a more complete picture of their child's learning. You can use the results to identify where your child is doing well and where they might need more support.

Your child may be taking one or more of the following California Assessment of Student Performance and Progress (CAASPP), English Language Proficiency Assessments for California (ELPAC), and Physical Fitness Test assessments. Pursuant to California *Education Code* Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments. There is no exemption for the ELPAC or Physical Fitness Test.

CAASPP: Smarter Balanced Assessments for English Language Arts/Literacy (ELA) and Math

Who takes these tests? Students take these tests in grades 3–8 and grade 11.

What is the test format? The Smarter Balanced assessments are computer-based.

Which standards are tested? The California Common Core State Standards are tested.

CAASPP: California Alternate Assessments (CAAs) for ELA and Math

Who takes these tests? Students whose individualized education program (IEP) identifies the use of alternate assessments take these tests in grades 3–8 and grade 11.

What is the test format? The CAAs for ELA and Math are computer-based tests that are administered one-on-one by a test examiner who is familiar with the student.

Which standards are tested? The California Common Core State Standards are tested through the Core Content Connectors.

CAASPP: California Science Test (CAST)

Who takes the test? Students take the CAST in grades 5 and 8 and once in high school, either in grade 10, 11, or 12.

What is the test format? The CAST is computer-based.

Which standards are tested? The California Next Generation Science Standards (CA NGSS) are tested.

CAASPP: California Alternate Assessment (CAA) for Science

Who takes the test? Students whose IEP identifies the use of an alternate assessment take the CAA for Science

in grades 5 and 8 and once in high school, either in grade 10, 11, or 12.

What is the test format? The CAA for Science is a series of four performance tasks that can be administered throughout the year as the content is taught.

Which standards are tested? Alternate achievement standards derived from the CA NGSS are tested.

CAASPP: California Spanish Assessments (CSA)

Who takes the test? The CSA is an optional test for students in grades 3–12 that tests their Spanish reading, listening, and writing mechanics.

What is the test format? The CSA is computer-based.

Which standards are tested? The California Common Core State Standards en Español are tested.

ELPAC

Who takes the test? Students who have a home language survey that lists a language other than English will take the Initial test, which identifies students as an English learner student or as initially fluent in English. Students who are classified as English learner students will take the Summative ELPAC every year until they are reclassified as proficient in English.

What is the test format? Both the Initial and Summative ELPAC are computer-based.

Which standards are tested? The 2012 California English Language Development Standards are tested.

Alternate ELPAC

Who takes the test? Students whose IEP identifies the use of an alternate assessment and who have a home language survey that lists a language other than English will take the Alternate Initial ELPAC, which identifies students as an English learner student or as initially fluent in English. Students who are classified as English learner students will take the Alternate Summative ELPAC every year until they are reclassified as proficient in English.

What is the test format? Both the Alternate Initial and Alternate Summative ELPAC are computer-based.

Which standards are tested? Alternate achievement standards derived from the 2012 California English Language Development Standards are tested.

Physical Fitness Test

Who takes the test? Students in grades 5, 7, and 9 will take the FITNESSGRAM®, which is the test used in California.

What is the test format? The test consists of five performance components: aerobic capacity, abdominal strength, trunk strength, upper body strength, and flexibility.

Which standards are tested? The Healthy Fitness Zones, which are established through the

Fitnessgram®, are tested.

Mandated Reporting of Child Abuse and Neglect

Penal Code 11165, et seq.

In accordance with Penal Code 11165, et seq., all regular employees of the district are mandated reporters of child abuse and neglect. All such employees must report any known or suspected instance of child abuse to appropriate authorities.

Mental Health

EC 49428; BESD BP 5141.5

In accordance with AB 2022, Pupil mental health services: school notification, the Brawley Elementary School District wants to ensure that parents, guardians, and students are informed about resources available for anyone who believes they are in a mental health crisis. We encourage parents/guardians and the student to talk with the school counselor or any adult in the school district if they are concerned about themselves or another student and possible mental health needs.

In order to initiate access to available pupil mental health services, you may contact the following mental health provider: Imperial County Behavioral Health Services at (442) 265-1525 or the SURE 24-Hour Helpline at (760) 352-7873.

The Brawley Elementary School District will notify parents at least twice per year. This is one time through our Annual Notifications, and we will also notify you again a second time during the school year by mail or by other commonly used method of notification.

Right to Know Professional Qualifications of Teachers and Paraprofessionals

ESSA Section 1112

In compliance with the requirements of the Every Student Succeeds Act, the Brawley Elementary School District would like to inform you that you may request information about the professional qualifications of your student's teacher(s) and/or paraprofessional(s). The following information may be requested:

- Whether the student's teacher -
 - Has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - Is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
 - is teaching in the field of discipline of the certification of the teacher
- Whether the child is provided services by paraprofessionals and, if so, their qualifications

If you wish to request information concerning your child's teacher and/or paraprofessional's qualifications, please contact the Site Principal.

Safe Place to Learn Act

EC 234 and 234.1

The Brawley Elementary School District is committed to maintaining a learning environment that is free from , harassment, violence, intimidation, and bullying based on actual or perceived characteristics set forth in Section 422.55 of the Penal Code and EC 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. All school personnel who witness an act of harassment, intimidation, or bullying must take immediate steps to intervene when safe to do so. Any student who engages in acts of discrimination , harassment, violence, intimidation, or bullying related to school activity or school attendance occurring within a school of the school district may be subject to disciplinary action up to and including expulsion.

To report an incidence and/or to receive a copy of the district's anti-, anti-harassment, anti-intimidation, and anti-bullying policies, please contact the Superintendent's Office at (760) 344-2330 Ext. 1096 or view them on our district website at www.besd.org.

Safe School Programs

Internet Access

EC 44731; BESD BP 6163.4

Before anyone may access the Internet through the district, the appropriate orientation and instruction will be required. All users will be required to sign (and minor students must have their parents sign) an Internet agreement, and for publication, a permission slip for student participation on the Internet through the school site home page. In addition, all users will be provided a copy of the district board policy on Internet access and must review this policy and agree to abide by the rules. Users must understand that any violations of the provisions of district policy may result in disciplinary action, the revoking of their user privilege, and/or appropriate legal action. See Technology Agreement page 75.

Safety

BESD BP 5142

The Governing Board recognizes the importance of providing a safe school environment that is conducive to learning and promotes student safety and well-being. Appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, and guiding student participation in educational programs and school-sponsored activities.

Additionally, the Superintendent or designee shall regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's network infrastructure, and the monitoring and response to suspicious and/or threatening digital media content.

School staff shall be responsible for the proper supervision of students at all times when students are subject to district rules, including, but not limited to, during school hours, school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using district transportation.

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety and emergency procedures, as well as injury and disease prevention.

Safe Storage of Firearms

PC 25100-25125, PC 25200-25220, PC 25105, PC 25205 & CC 1714.3;

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the Brawley Elementary School District of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.

To help everyone understand their legal responsibilities, this memorandum spells out California law regarding the storage of firearms. Please take some time to review this memorandum and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others.¹
 - ¹ o Note: The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor never actually accesses the firearm.¹
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.¹
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.¹

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

¹ See California Penal Code Sections 25100 through 25125 and 25200 through 25220.

¹ See California Penal Code Section 25100(c).

¹ See California Civil Code Section 29805.

¹ See California Civil Code Section 1714.3.

School Bus Safety

EC 39831.5; BESD AR 3543

All pupils in pre-kindergarten, kindergarten and grades 1 to 6, shall receive written information on school bus safety (i.e., a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, a description of the school bus danger zone, and instructions for safety while walking to and from bus stops). Prior to departure on a school activity trip, all pupils riding on a school bus or school activity bus shall receive safety instruction that includes, but is not limited to, proper loading and unloading procedures, including escorting by the driver; how to safely cross the street, highway, or private road; use of passenger restraint systems (when applicable); proper passenger conduct; bus evacuation procedures; and location of emergency equipment.

School Safety: Bullying

EC 234.4 and 32283.5

The Brawley Elementary School District is committed to the prohibition of , harassment, intimidation, and bullying. Annual training will be provided to all staff who work with students to prevent bullying and cyberbullying.

The District is offering an online bullying reporting system for students and parents. To file a report enter the following link www.besd.org/page/we-tip or it can be reported through the District website www.besd.org under Parents.

School Visitors: Raptor Visitor Management System

The District utilizes the Raptor system which requires all visitors to school sites to sign-in to the office building via Raptor. All visitors are required to scan their driver license as part of this process. If you do not have a driver license, you should bring another form of valid photo ID when visiting the school. Following the sign-in process a visitor badge is printed and is to be worn at all times while on school property. Any visitor who is not wearing a visitor badge will be escorted to the front office. Prior to leaving the school all visitors must visit the front office and sign-out using the Raptor system. Front office staff will be available to answer any questions and provide assistance as needed.

The safety of our students is our highest priority and the Raptor Visitor Management System helps provide a safer environment for our students. We hope you will find Raptor a welcome addition in the continuing effort to provide the most secure learning environment to our students.

Search & Seizure

BESD BP 5145.12

The board of Trustees is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students or staff on school premises and at school activities. This District shall provide notice that there is a possibility of random searches

of students, their belongings, their vehicles parked on district property, and district properties under a student's control. This includes a student's locker and/or desk. The District may use a local law enforcement agency's or outside company's contraband dog detection program to aid in this process.

Suicide Prevention

EC 215; BESD BP 5141.52

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. To attempt to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention. Information is available to both parents/guardians and students and can be located on the district's website, in the school office, or you may contact the Academic & Student Services Department at (760) 344-2330 Ext. 1024 for further information.

Tobacco-free Campus

HSC 104420 and 104495; BESD BP 3513.3

The Governing Board recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff. The District prohibits the use of tobacco products, any time, in district-owned or leased buildings, on district property and in district vehicles. This prohibition applies to all employees, students, and visitors at any instructional program, activity or athletic event. Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on public sidewalks located within 25 feet of the playground.

Weapons and Dangerous Instruments

The Governing Board recognizes that students and staff have the right to a safe and secure campus free from psychological and physical harm and desires to protect them from the dangers presented by firearms and other weapons.

Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

School Environment

Dress and Grooming

EC 35183; BESD BP 5132 and BESD AR 5132

The District is authorized to adopt a dress code that would prohibit the wearing of “gang-related clothing.” The school district is also authorized to adopt a dress code policy that would require students to wear a school-wide uniform. Notice of the adoption of a district dress code or required uniforms will be given to parents at least six months prior to such adoption along with notice of the availability of resources to assist economically disadvantaged students. Students should dress properly and neatly for school. Students are notified with enrollment of the uniform policy. The following are acceptable guidelines to be followed by all students:

AR 5132 Students Dress and Grooming

Dress Code Guidelines

Clothing - Tops

1. All tops must be sufficient to conceal undergarments at all times.
2. No baggy or oversized fit is allowed. (i.e. If a student is a size small, they should not be wearing extra large)
3. No see-through or fish-net fabric is allowed.
4. Undershirts may not be worn as an outer garment.
5. Tops may be worn untucked as long as the hem of the top does not extend beyond the middle of the student's hands when the arms are held at the side. All other shirts should be worn with tails tucked in.
6. Camisole tops with thin straps may only be worn:
 - a. Under an outer shirt.
 - b. Over another shirt.
7. Shirts/blouses worn to school may not be:
 - a. Low-cut or revealing
 - b. "Off-the-shoulder"
 - c. Tube tops
 - d. "Spaghetti" straps
 - e. Halter tops
 - f. Strapless
8. Tops that reveal a bare midriff are not allowed. As a test for appropriate length, the students must raise their arms above their head. If this reveals a bare midriff, then the top is too short.
9. Tank tops with straps of two inches or more may be worn as long as they comply with all other guidelines for dress.
10. Jackets, sweaters, vests, and sweatshirts worn to school may not be oversized. (i.e. If a student is a size small, they should not be wearing extra large)

11. Pajama tops may not be worn to school unless approved by the school administrator for a special school activity
12. Any clothing or apparel that is harassing, threatening, or intimidating to others or advocates violence against a particular person or group of persons will not be allowed.
13. Tops, jackets, sweaters, vests, and sweatshirts with personal, hand-written writing, lettering, or drawing may be worn to school only with the pre-approval of the school administration for a specific school event or function.
14. Tops, jackets, sweaters, vests, and sweatshirts worn to school may not have logos and pictures which are crude, vulgar, profane; sexually suggestive; denigrate specific individuals; advocate racial/ethnic or religious prejudice; the use of drugs or alcohol; promote negative attitudes toward school and/or education, or is deemed by school administration to be "gang related"

Clothing - Bottoms

All Bottoms

1. All pants and shorts must be the proper waist size with no baggy, oversized, or overlong fit. Short length should be at mid-thigh or longer. Length of shorts should be below fingertip length when arms are fully extended. Shorts should not be below the knee.
2. The waist size of all pants and shorts must not be more than one inch bigger than the correctly measured student waist size.
3. No pants or shorts may be gathered or drawn together at the waist and cannot hang or sag below the waist.
4. Bib type overalls or shorts may be worn only with:
 - a. Both straps buttoned and worn in their proper position, and
 - b. With an appropriate shirt or blouse underneath.
5. No pants or shorts may have any type of writing across the rear seat area.
6. No spandex pants or shorts are allowed at school.
7. Any bottoms which are deemed revealing or of such an extreme as to draw undue attention to the student are not allowed at school.
8. Bottoms worn to school may not have logos and pictures which are crude, vulgar, profane; sexually suggestive; denigrate specific individuals; advocate racial/ethnic or religious prejudice; the use of drugs or alcohol; promote negative attitudes toward school and/or education, or is deemed by school administration to be "gang related".

Long Pants/Bottoms

1. Pant legs may not drag on the ground. If jeans or pants have holes, the hole must be below fingertip length when arms are fully extended.
2. Leggings may be worn under shorts, skirts, dresses, or tops which are mid-thigh in length or longer.
3. Capri-length pants may be worn.
4. Pajama bottoms may not be worn to school unless approved by the school administrator for a special school activity.

Shorts/Skirts/Skorts/Dresses

1. The length of shorts, skirts, skorts, and dresses must be within the bounds of decency and in good taste as is appropriate for school.
2. Shorts, skirts, skorts, and dresses may be no shorter than mid-thigh.
3. If the shorts, skirts, skorts, or dresses have slits or notches, the top of the slits or notches cannot be any shorter than mid-thigh.
4. Wrap around and/or thin nylon "see through" shorts are neither acceptable nor permitted.
5. Shorts may be longer than knee length as long as they comply with all other guidelines for dress and are not identified by the site administration as being "gang related" apparel

Belts

1. Belts must be appropriate for the student's waist size and all excess belt length must be strapped through belt loops.
2. Belts may have lettering on the buckle as long as they comply with all other guidelines for dress and are not identified by the site administration as being "gang related" apparel.
3. Belt buckles which may pose a safety hazard are not allowed at school.
4. No chains may be attached to wallets.

Shoes

1. Shoes must be worn at all times. Athletic shoes are acceptable and encouraged for school wear.
2. Shoes in grades K-6 must have a closed toe. In grades 7-8, open-toed shoes may be worn except during physical education classes.
3. All shoes must have a back strap of at least a 1/2 inch in width.
4. No "flip-flops" or thin-strapped sandals may be worn to school.
5. No shoes with cleats or "rollers" may be worn to school.
6. All shoes must be worn as intended - buckled, laces tied or tucked into shoes, velcro straps fastened, etc., and be age-appropriate.

Caps/Hats/Sunglasses

1. Caps, hats, or hoods on jackets, sweaters, etc. are not allowed to be worn in the classroom except those head coverings worn for religious reasons.
2. Caps, hats, or head coverings that are deemed by the school administration as interfering with the educational process are not allowed at school.
3. All caps, hats and head coverings must be worn as intended for sun protection. Caps may not be worn with the brim turned backwards or sideways.
4. Caps, hats, or head coverings with personal, hand-written writing, lettering, or drawing may be worn to school only with the pre-approval of the school administration for a specific school event or function.
5. Caps, hats, or head coverings worn to school may not have logos and pictures which are crude, vulgar, profane; sexually suggestive; denigrate specific individuals; advocate racial/ethnic or religious prejudice; the use of drugs or alcohol; promote negative attitudes toward school and/or education, or is deemed by school administration to be "gang related".
6. Sunglasses may be worn to school for sun protection but may not be worn in the classroom unless the need is verified by a physician as medically necessary.

Book Binders/Notebooks/Book bags/Backpacks/Purses/Jewelry

1. Binders, notebooks, book bags, backpacks, and purses with personal, hand-written writing, lettering, or drawing may be worn to school only with the pre-approval of the school administration for a specific school event or function.
2. No "graffiti" of any kind may be written on book binders, notebooks, book bags, backpacks, or purses.
3. Binders, notebooks, bookbags, backpacks, purses, and jewelry worn to school may not have logos and pictures which are crude, vulgar, profane; sexually suggestive; denigrate specific individuals; advocate racial/ethnic or religious prejudice; the use of drugs or alcohol; promote negative attitudes toward school and/or education, or is deemed by school administration to be "gang related".
4. Schools may take the option to prohibit bookbags or backpacks at school during the last three days of the school year to ensure that students do not bring such items as shaving cream or water balloons to school.
5. No jewelry or other ornamentation (i.e. ear stretchers/plugs, hanging chains, nose piercing, etc.) which poses a safety hazard may be worn.

Hair

1. Hair must be clean and neatly groomed.
2. Aerosol cans of hair color, containers of gel hair color, or any other hair color products are not allowed at school.

Makeup

1. Makeup which creates a safety concern, draws undue attention to the wearer, or detracts from the educational process is prohibited.
2. Makeup is to be for the student's personal use and not to be shared with other students.
3. Makeup may not be applied in the classroom.
4. No personal writing may be applied to the face or body.

With the approval of the site administration, coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

No grade of a student participating in a physical education class shall be adversely affected due to the fact that the student does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the student's control. (Education Code 49066)

The principal, staff, students, and parents/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Regulation BRAWLEY ELEMENTARY SCHOOL DISTRICT

Professional Standards

EC 44050; BESD BP 4119.21, BESD AR 4119.21

The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the district, advances the goals of the district's educational programs, and contributes to a positive school climate.

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

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

For more information on the Brawley Elementary School District's Employee Code of Conduct, please refer to the district's website at www.besd.org and refer to board policy and administrative regulation 4119.21

Nondiscrimination Statement

BESD BP 0410

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race; color; ancestry; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; reproductive health decision-making; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender

identity; gender expression; veteran or military status; or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on any of the categories identified above.

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Additionally, the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be adopted by the Board or district if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

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

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

Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 - Nondiscrimination in Employment, for employees. Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for students, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.

Pursuant to 34 CFR [104.8](#) and 34 CFR [106.9](#), the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on non and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code [48980](#) and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's website and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the

California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code [234.7](#))

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

[Access for Individuals with Disabilities](#)

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

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

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

Terri Mason, Director of Special Projects

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Brawley, CA 92227
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Parental Interference with Classroom Conduct

EC 44810; BESD BP 3515.2

It is prohibited for any person over 16 years of age, including but not limited to a student's parent or guardian, to come on school property and willfully interfere with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person. This behavior constitutes a misdemeanor, and the district will immediately report all such willful interference with the appropriate authorities, as well as the district may prohibit or limit such persons from returning to school property in accordance with district policy.

Requirement for Parent to Attend School

EC 48900.1; BESD BP 5144.1

A teacher may require a parent to attend school with their student for a portion of the school day if that child has been suspended for an obscene act, habitual profanity or disruption.

School Rules & Student Conduct

EC 35291; BESD BP 5131

The Governing Board believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Student Conduct

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats.
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption.
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district.
6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances
8. Possession or use of a laser pointer unless for a valid instructional or other school-related purposes with prior permission of the principal or designee
9. Use of a smartphone or other mobile communications device in an unauthorized manner
10. Plagiarism or dishonesty on school work or tests
11. Wearing of any attire that violates district or school dress codes, including gang-related apparel
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules
14. Other conduct prohibited by Education Code 48900-48915-48915

Employees are expected to enforce standards of conduct when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance.-As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

When a school employee suspects that a search of a student or a student's belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with school rules, such a search shall be conducted in accordance with BP/AR 5145.12- Search and Seizure.

When a student uses any prohibited device, or uses a permitted device, in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or co-curricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

School Visiting Procedures

EC 49091.10, 51101 and 51101(a)12); PC 627.2 and 627.6; BESD AR 5020

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon a written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations.

Student Information and Records

Directory Information

EC 49073

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes:

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members

9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attendance

Directory information does not include a student's social security number or student identification number. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user.

Directory information also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin of a student or the student's family member.

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the district plans to release and the recipients of the information. Additionally, the notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information about their student as directory information, how to refuse release of directory information about their student, and the period of time within which a parent/guardian must notify the district in writing that the parent/guardian does not want a certain category of information about their student designated as directory information.

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and the district will not release such information without parental consent or a court order.

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, email address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent.

Parent/Guardian Consent

A student's directory information shall not be released if the student's parent/guardian has notified the district in writing that such information shall not be disclosed.

The directory information of a student identified as a student experiencing homelessness child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years of age or older, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her parent/guardian notifies the district in writing that such information not be disclosed without the parent guardian's prior consent.

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded.

Student Records

EC 49063, 49069, 49070 and 49071; 34 CFR 99.7; 20 USC 1232g; BESD BP 5125 & BESD AR 5125

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records.

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record.

Student records do not include:

1. Directory information
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee
3. Records of the law enforcement unit of the district, as specified in 34 CFR 99.8
4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile state law, regulation, or administrative directive.

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive.

Permitted student records are those records having clear importance only to the current educational process of the student.

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic.

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record.

Personally identifiable information includes, but is not limited to:

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g. fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age.

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent.

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party.

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons.

County placing agency means the county social service department or county probation department.

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent. However, the district shall not disclose student records to a party, including a parent/guardian, who is legally prohibited from accessing records and information of a student pursuant to a restraining order.
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records
3. Parents/guardians of an adult student with exceptional needs who is age 18 years or older and has been declared incompetent under state law

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152
 2. Students who are age 16 or older or who have completed the 10th grade
 3. District officials and employees, consistent with the definition provided in the section "Definitions" above
 4. Members of a school attendance review board (SARB) appointed pursuant to Education Code 48321 who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student
 5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer
- Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed

- and give the parent/guardian or adult student an opportunity for a hearing to challenge the record.
6. Federal, state, and local officials, as needed for an audit, evaluation, or compliance with state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35
 7. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #6 above
 8. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena
Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order.
 9. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition
 10. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws
 11. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court of involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701
When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law.
 12. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681
In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.
 13. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or non related extended family member, or a resource family, as defined (Education Code 49076)
Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district.
 14. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a.
 15. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school
 16. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive records and information requested is directly related to providing assistance to address the student's educational needs.

17. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with exceptional needs who is suspended or expelled for committing an act violating Penal Code 245. When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in Item #13 above

18. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals.

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school.

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act.

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released.

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made.

Discretionary Access

At the discretion of the Superintendent or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other persons.

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made.

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations in order to carry out their accrediting functions
3. Organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that:
 - a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.

- b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of other districts, private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34
5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made
6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties.
7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid
8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or FERPA.

De-identification of Records

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information.

Process for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative **policy** controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests.

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's

identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours.

When required by law, a student's parent/guardian shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed.

If the parent/guardian refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Qualified certificated personnel shall be available to interpret records when requested.

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection.

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester.

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

Additionally, the custodian of records shall also make an entry in the log regarding any request for records that was denied and the reason for the denial.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who have received written consent by a parent/guardian and have provided it to the district, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest

The log shall be open to inspection only to the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064

Duplication of Student Records

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record.

Changes to Student Records

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record.

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student.

Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation. Any challenge to the content of a student's record shall be filed in accordance with Education Code 49070 and the process specified in Administrative Regulation 5125.3 - Challenging Student Records.

Retention and Destruction of Students Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data.

The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district.

These records include:

1. Expulsion orders and the causes therefor
2. A log identifying persons or agencies who request or receive information from the student record
3. Health information, including verification of waiver of the health screening for school entry
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code 49066 and 49067
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or denial of student participation in specific programs
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including:

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years

3. Routine disciplinary data
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures that they will not be available to possible public inspection in the process of destruction.

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school.

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days.

Additionally, when a student in foster care is enrolling in a district school, the district's liaison for foster youth shall contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain all academic and other records.

All student records shall be updated before they are transferred.

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian.

If the district is withholding grades, diplomas, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with exceptional needs.

The notice shall include:

1. The types of student records kept by the district and the information contained therein

2. The title(s) of the official(s) responsible for maintaining each type of record
 3. The location of the log identifying those who request information from the records
 4. District criteria for defining school officials and employees and for determining legitimate educational interest
 5. District policies for reviewing and expunging student records
 6. The right to inspect and review student records and the procedures for doing so
 7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
 8. The cost, if any, charged for duplicating copies of records
 9. The categories of information defined as directory information pursuant to Education Code 49073
 10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
 11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school
 12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g
 13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment
- In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Student Records from Social Media

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall:

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from the student's social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. Additionally, the notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or his/her parent/guardian.
 - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first.

Updating Name and/or Gender of Former Students

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents.

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information:

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and Administrative Regulation 5125.3 - Challenging Student Records.

Surveys

EC 51513; BESD AR 50\22

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following:

1. Political affiliations or beliefs of the student or his/her parent/guardian
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

Notwithstanding the above requirements, the district may administer to students in grades 7-8 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate.

If a student participates in a survey requesting information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any district student, upon his/her request, shall have the right to inspect:

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of his/her child's educational curriculum

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Uniform Complaint Procedures

5 CCR 4622; EC 234.1, 32289 and 234.1; BESD BP 1312.3

Board Policy

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

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

1. Accommodations for pregnant and parenting students.
2. Adult education programs.
3. After School Education and Safety programs.
4. Agricultural career technical education.
5. Career technical and technical education and career technical and technical training programs.
6. Child care and development programs.
7. Compensatory education.
8. Consolidated categorical aid programs.
9. Course periods without educational content.
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, medical condition, or genetic information: any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244) The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, and students formerly in a juvenile court school, students who are migratory, and newcomer students.
12. Every Student Succeeds Act.
13. Local control and accountability plan.
14. Migrant education.
15. Physical education instructional minutes.
16. Student Fees
17. Reasonable accommodations to a lactating student.
18. Regional occupational centers and programs.
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding.
20. School site councils as required for the consolidated application for specified federal and/or state categorical funding.
21. State preschool programs.
22. State preschool health and safety issues in license-exempt programs.
23. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.
24. Any other state or federal educational program the SPI or designee deems appropriate.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity

of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

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

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

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services.
3. Any complaint alleging that a student, while in an education program or activity was subjected to conduct known to the district may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2
Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)
4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department
Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal

counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580- 15584)

7. Any allegation of based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Administrative Regulations

Except as may otherwise specifically provided in other District policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

Compliance Officers

The district designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment, as permitted by law. The Compliance Officer(s) may be contacted at:

Terri Mason
Director of Special Projects
261 D Street
Brawley, CA 92227
(760) 344-2330 ext. 1011
tmason@besd.org

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

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

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

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be

necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

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

In addition, the Superintendent or designee shall annually provide written notification of the District's UCP to students, employees, parents/guardians of District students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the District is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of retaliation of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board Policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, intimidation, or bullying must be filed no later than one year from the date the alleged violation occurred.
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the District will post a standardized notice of the educational rights of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the District, students who are migratory, and newcomer students as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the District's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board Policy, the complainant has a right to appeal the District's Investigation Report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complainant and the District's decision, within 30 calendar days of receiving the District's Investigation Report
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting, harassment, intimidation, or bullying, if applicable

11. A statement that copies of the District's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on the District and district school websites, published in handbooks, catalogs, announcements, bulletins, and application forms and may be provided through District-supported social media, if available.

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

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

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints, except for those that allege sex discrimination, including sex-based harassment, shall be filed in writing and signed by the complainant. If a complaint is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall assist in the filing of the complaint.

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

1. A complaint alleging District violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board Policy may be filed by any individual, public agency, or organization.
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board.
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, harassment, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying.
5. A complaint alleging unlawful discrimination, harassment, intimidation, retaliation or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, retaliation or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the District's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the District shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

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

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

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

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

Investigation of Complaint

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

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

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

A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the District to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant.

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the District's receipt of the complaint.

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board. (5 CCR 4631)

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

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

For any complaint alleging unlawful , harassment, intimidation, and/or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, and, in the same manner.

For any complaint alleging unlawful, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the District's Investigation Report, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Investigation Report

For all complaints, the District's Investigation Report shall include:

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination as to each allegation as to whether the District is in compliance with the relevant law
3. Corrective action(s) whenever the District finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the District's Investigation Report to the CDE, except when the District has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to the CDE

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

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

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the District's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful harassment, intimidation, or bullying, based on state law, the investigation reports shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE.
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law.
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged .

Corrective Actions

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

For complaints involving retaliation or unlawful , harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying, involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

The District may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the District does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the District shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education.

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

Appeals to the California Department of Education

Any complainant who is dissatisfied with the District's Investigation Report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the District's Investigation Report

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the District's Investigation Report in that complaint. The complainant shall also specify the basis for the appeal, including at least one of the following:

1. The District failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the District's Investigation Report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the District's Investigation Report are not supported by substantial evidence.
4. The legal conclusion in the District's Investigation Report is inconsistent with the law.
5. In a case in which the District found noncompliance, the corrective actions fails to provide a proper remedy.

Upon notification by the CDE that the District's Investigation Report has been appealed, the Superintendent or designee shall forward the following documents to the CDE within 10 calendar days of the date of notification

1. A copy of the original complaint
2. A copy of the District's Investigation Report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by the CDE

If notified by CDE that the District's Investigation Report failed to address allegation(s) raised by the complaint, the District shall, within 20 days of the notification, provide CDE and the appellant with an amended Investigation Report that addresses the allegation(s) that were not addressed in the original Investigation Report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report.

Williams Complaint Policy and Procedure

EC 35186; BESD AR 1312.4

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state-or district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

- d. Beginning of the year or semester means the time period from the first day students attend classes for a year-long course or semester-long course though not later than 20 business days afterward.

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

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
 - a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate.

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

Open restrooms means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restrooms is necessary for a documented student safety concern, an immediate threat to student safety, or to repair the facility.

In any school serving any of grades 3-8, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom.

Additionally, starting July 1, 2026, in any school that has more than one female and more than one male restroom designated exclusively for student use, a complaint may be filed alleging noncompliance with the requirements specified in Education Code 35292.5 to maintain at least one all-gender restroom for student use.

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint.

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired.

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code 35186.

Filing a Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

A complaint alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the Governing Board, or the Board's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly in addition to or in lieu of being filed with the district. Any such complaint shall identify the basis and provide evidence to support its filing directly with the SPI. (Education Code 35186)

If the Superintendent or designee becomes aware that a complaint alleging insufficient textbooks or instructional materials that has been filed directly with the SPI but not with the district, the Superintendent or designee may initiate an investigation in accordance with this administrative regulation, as described below, if there is sufficient evidence to do so.

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority.

The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall send a written resolution of the complaint to the mailing address of the complainant as indicated on the complaint within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee.

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in Item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the SPI within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. However, no other type of complaint regarding the condition of school facilities as described in the section "Types of Complaints" above may be appealed to the SPI.

All complaints and written responses shall be public records.

Reports

On a quarterly basis, the Superintendent or designee shall report to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

California Education Codes

Rights of Parents and Guardians to Information

EC 51101 (in part)

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

1. Within a reasonable period of time after making the request, to observe their child's classroom(s).
2. Within a reasonable time of their request, to meet with their child's teacher(s) and the principal.
3. To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher.

4. To be notified on a timely basis if their child is absent from school without permission.
5. To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of their child's school on standardized statewide tests.
6. To request a particular school for their child, and to receive a response from the school district.
7. To have a school environment for their child that is safe and supportive of learning.
8. To examine the curriculum materials of their child's class(es).
9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.
10. To have access to the school records of their child.
11. To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.
12. To be informed in advance about school rules, including disciplinary rules and procedures, attendance policies, dress codes, and procedures for visiting the school.
13. To receive information about any psychological testing the school does involving their child and to deny permission to give the test.
14. To participate as a member of a parent advisory committee, school site council, or site-based management leadership team.
15. To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.
16. To be notified, as early in the school year as practicable, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

Suspension and Expulsion

BESD BP 5144.1 and BESD AR 5144.1

Grounds for Suspension and Expulsion

Except, when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following:

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in "Additional Grounds for Suspension and Expulsion: Grades 4-12,

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor,

as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the same as a controlled substance, alcoholic beverage, or intoxicant
5. Committed or attempted to commit robbery or extortion
6. Caused or attempted to cause damage to school property or private property
7. Stole or attempted to steal school property or private property
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing prescription products
9. Committed an obscene act or engaged in habitual profanity or vulgarity
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5
11. Knowingly received stolen school property or private property
12. Possessed an imitation firearm. *Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
13. Committed or attempted to commit a sexual assault or committed a sexual battery
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma
16. Engaged in, or attempted to engage in, hazing. *Hazing* means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.

17. Engaged in an act of bullying. *Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student(s) in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. *Bullying* includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student. *Bullying* also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to:

- a. A message, text, sound, video, or image
- b. A post on a social network Internet website, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of the student's age, or for a person of the student's age and disability. (Education Code 48900(r))

Burn page means an internet website created for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

Credible impersonation means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has

reasonably believed, that the student was or is the student who was impersonated. (Education Code 48900(r))

False profile means a profile of a fictitious student or profile using the likeness or attributes of an actual student other than the student who created the false profile. (Education Code 48900(r))

An electronic act is not considered pervasive conduct solely on the basis that it has been transmitted to the internet or is currently posted on the internet.

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee may, as appropriate, engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31.
19. Made terrorist threats against school officials and/or school property. *A terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying out the crime.

A student may not be suspended or expelled for disruption or willful defiance.

Sexual Discrimination and Sex-Based Harassment

EC 231.5 and 48980(g); BESD BP 5145.7

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits, at school or at school-sponsored or school-related activities, sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics: sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family status.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct,

or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy.

The district strongly encourages any students who feels that he/she they are being or have experienced sex discrimination, including sex-based harassment, has been sexually harassed on school grounds or at a school-sponsored or school-related activity, or off- campus when the conduct has a continuing effect on campus, 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 their teacher, the principal, the district's Title IX Coordinator or any other available school employee.

Any employee who receives a report or observes an incident of sexual discrimination, including sex-based harassment, by or against a student in a district education program or activity shall notify the principal or a district compliance officer. report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances

The Superintendent or designee shall ensure that all district staff are trained regarding the district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administration Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.

Instruction/Information

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

1. What acts and behavior constitute sexual harassment and sex-based harassment, including the fact that sex discrimination or sex-based 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 sex discrimination or sex-based harassment under any circumstance
3. Encouragement to report observed incidents of sex discrimination and sex-based harassment even where the alleged victim of the discrimination or 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 sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based 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 sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to 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 sex discrimination and/or sex-based 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 sex discrimination or sex-based harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sex discrimination or sex based harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based 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.

Upon investigation of sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based harassment or sexual violence toward, any student, shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain a records in accordance with the law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and districts policies and regulations, of all reported cases of sex-based harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX. The individuals(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:

Terri Mason, Director of Special Projects
261 D Street, Brawley, CA 92227
760-344-2330 Extension 1011
tmason@besd.org

Hate Violence

EC 48900.3

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. The school district shall notify parents and legal parents they may or will suspend a student.

For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

Harassment, Threats or Intimidation

EC 48900.4

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in

which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile education environment.

Terroristic Threats

EC 48900.7

- (a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.
- (b) For the purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

Circumstances for Recommending Expulsion

EC 48915

- (a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:
 - (A) Causing serious physical injury to another person, except in self-defense.
 - (B) Possession of any knife or other dangerous object of no reasonable use to the pupil.
 - (C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:
 - (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
 - (D) Robbery or extortion.
 - (E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.
- (b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A

decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:

- (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.
 - (2) Brandishing a knife at another person.
 - (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
 - (4) 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.
 - (5) Possession of an explosive.
- (d) The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
- (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
 - (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
 - (3) Is not housed at the school site attended by the pupil at the time of suspension.
- (e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:
- (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The governing board of a school district shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- (g) As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (h) As used in this section, the term “explosive” means, “destructive device” as described in Section 921 of Title 18 of the United States Code.

2026-27 Technology Agreement

BESD Rules for Student Use of Computing Resources

The Brawley Elementary School District has actively pursued making advanced technology and increased access to learning opportunities available to our students and staff. BESD “Internet Services” are defined as Internet services offered through the K-12 High Speed Network, the Borderlink LTE Network, or private carrier services (Verizon, T-Mobile, etc.) contracted by BESD.

The Internet is a tool of computer technology that will help propel today’s schools into the information age. This technology will allow students and staff to access and use information resources from distant computers to communicate and share information with individuals or groups of other students and staff. This will significantly expand our student’s knowledge base.

Our goal in providing this technological service is to promote educational excellence by facilitating resource sharing, innovation, and communication consistent with the goals and policies of the Brawley Elementary School District. The Brawley Elementary School District will put forth its best effort in filtering unacceptable material and protect users from any misuses or abuses as a result of their experiences with the Internet information service. It is possible, even with current filtering processes, applications and devices that inappropriate content may appear on a device and be seen by a student.

Please read this document carefully. We must have a parent/guardian signature along with a sponsoring teacher’s signature before we can provide your child with access and email accounts.

Proper and Ethical Use: Students and staff must understand and practice proper and ethical use of the Internet. The Internet is a learning tool. All students and staff must agree to policies and regulations regarding procedures, ethics, and security involving Internet use before receiving an account name and password for use on the system.

The user will accept personal responsibility for reporting any misuse of the network to the system administrator or instructor. Misuse can come in many forms, but it is commonly viewed as sending or receiving, viewing, or accessing, any form of digital information that indicates or suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language, bullying, and other issues described below. **All the rules of conduct described in the Board Policies of the Brawley Elementary School District will apply when students are on the network, either in-person or virtually.**

Rules for Use of Computer Resources:

1. Educational Purpose:

- a. The purpose of providing Internet Services is to facilitate communications in support of research and education by accessing unique resources, which allows the opportunity for collaborating work with others. The term “educational purpose” includes classroom (virtual or in-person) and

teacher-directed activities, library-related research, and career development. The Superintendent or designee(s) and teachers will deem what is inappropriate use.

- b. The use of an account must be in support of, and consistent with, the educational objectives of the District.
- c. The Internet Services have not been established as a public access service or public forum. The Brawley Elementary School District has the right to place reasonable restrictions on the materials that students and staff access or post through the system.

2. Virtual Classrooms

- a. All students must follow all district and school guidelines when participating in virtual classrooms (ie. Zoom, Google Meets, etc.)

3. Prohibited Use: Inappropriate use of electronic information resources can be a violation of local, state and federal laws. Users of the information system may be prosecuted for violating those laws.

- a. The Internet Services may not be used for commercial purposes or for financial gain for an individual. This means that students and staff may not offer, provide, or purchase products or services by use of the District's Internet Services. Any school or district fundraising performed online must be approved by the superintendent or his designee.
- b. The Internet Services may not be used by students or staff for political lobbying. However, students and staff may use the Internet Services to communicate with elected representatives and to express opinions on political issues, when in conjunction with classroom activities.
- c. The Internet Services may not be used to transmit any material in violation of any United States or California State regulation. This includes, but is not limited to, copyright material, threatening or obscene materials, or material protected by trade secrets.
 - i. The Internet Services may not be used to access, post, submit, publish, or display harmful matter, as defined in California Penal Code Section 313, or material that is profane, obscene, or sexually explicit (pornography), that is threatening, that advocates illegal acts, that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs, or that advocates violence or unlawful towards other people (hate literature).
- d. The Internet Services may not be used to gain, or attempt to gain unauthorized access to the District's network or to any other computer system through the District's network or go beyond authorized access. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purpose of "browsing."
- e. The Internet Services may not be used to make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means. These actions are illegal. Any such action will result in the loss of computer services, disciplinary action, and legal referral.
- f. The Internet Services may not be used to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of a person, etc.
- g. Students shall not load personal software or programs on District computers nor shall they download programs from the Internet without the approval of their instructor.
- h. Virtual and physical vandalism shall not be tolerated. Any intentional act by a student that damages or interferes with performance of District technology hardware, software, operating systems, communication systems, will be considered vandalism and will be subject to school discipline and/or appropriate criminal or civil action.
- i. The creation of fake social media accounts is strictly prohibited. Creating fake social media accounts

(impersonating an employee of BESD or another student) will not be tolerated. Failure to comply may lead to disciplinary action and legal referral.

4. Network Etiquette:

- a. Users must be aware of the finite capacity of the network and must cooperate with the system administrator/instructor to conserve resources, such as hard disk space, and to ensure equitable access for all. The system has a limited number of access lines to serve a growing number of users. Users are expected to:
 1. Users will not post chain letters or engage in “spamming.” Spamming is sending an annoying or unnecessary message to a large number of people.
 2. Users will not use the network in any way that would disrupt use of the network by others.
 3. Users will only use the network for authorized uses and only with teachers/staff permission.
 4. Users will not impersonate another user at or away from school (i.e. logging in using another’s login information).
- b. The user is expected to abide by the generally accepted rules of network etiquette. These rules include, but are not limited to, the following:
 1. Users will be polite. Users must never send, or encourage others to send, abusive messages (i.e. bullying, sexually suggestive, vulgar).
 2. Users will use appropriate language and remember that the user is a representative of our school and District on a non-private system. The user may be alone with his/her computer, but what he/she says and does, can be viewed globally! The user will not swear, use vulgarities, or any other inappropriate language.
- c. **Other Considerations:** Users will follow these directives:
 1. Do be brief. Few people will bother to read a long message.
 2. Do minimize spelling errors and make sure your message is easy to understand and read.
 3. Do use accurate and descriptive titles for your articles. Tell people what it is about before they read it.
 4. Do get the most appropriate audience for your message, not the widest.
 5. Do remember that humor and satire is very often misinterpreted.
 6. Do cite references for any facts you present.
 7. Do forgive the spelling and grammar errors of others.
 8. Do remember that all network users are human beings. Don’t “attack” correspondents; persuade them with facts.
 9. Do post only to groups you know and only when you are authorized to do so by your teacher or administrator.

5. Privacy: Users will follow these directives:

- a. Do not reveal your home address or personal phone number or the address of phone numbers or usernames and passwords of students or colleagues.
- b. You will not agree to meet with someone you have met as a result of communication on any electronic communication service provided by the District without your parent’s approval and participation.
- c. You will promptly report to your teacher or other appropriate school employee any message you receive that is inappropriate or makes you feel uncomfortable.
- d. Electronic mail (e-mail) is not guaranteed to be private. Messages relating to or in support of illegal activities must be reported to the administrative staff or the authorities.
- e. You will promptly report if you observe others violating these policies (i.e. accessing pornography

and/or participating in inappropriate, illegal or unethical activity).

f. To avoid the enforcement of district Internet filtering and monitoring on personal devices, you will promptly log-off any district issued accounts.

g. Know that there is no student expectation of privacy. All student use may be monitored by staff at any time, with or without the student's knowledge.

h. Respect for Privacy:

1. Reposting. Do not repost personal communications without the author's prior consent.

2. You will not post private information about another person.

3. You will not log into or use another person's username and password or access their email account for any reason or purpose. This includes times where an account is open on the screen, but is not yours. You will not open or read their emails and will sign out of the account so you can sign into yours.

6. Violation of Computing Resources Policy:

a. Inappropriate use, including any violation of these rules, may result in suspension or cancellation of access and may lead to other disciplinary action, up to and including suspension or expulsion from school.

b. The system administrator may close an account at any time deemed necessary. The administration, staff, or faculty of the Brawley Elementary School District may request that the system administrator deny, revoke, or suspend specific user accounts. The system administrator will decide what is appropriate use and his/her decision is final.

c. The District reserves the right to review any material on user/student accounts and to monitor file server space in order for the District to make determinations on whether specific uses of the network are appropriate. The District shall respect the privacy of user accounts.

d. School/District officials may search and examine any student's use of technology at any time, and without notice.

7. Limitation of Liability: The Brawley Elementary School District makes no warranties of any kind, whether expressed or implied, for the services it is providing. The Brawley Elementary School District will not be responsible for any claims, damages, or injury of any nature whatsoever, which users may suffer as a result, whether directly or indirectly, of the use of the District's Internet Services. These damages include, but are not limited to, loss of data as a result of delays, non-deliveries, mis-deliveries, or service interruptions caused by the system or your errors or omissions. Use of any information obtained via the information system is at your own risk. The Brawley Elementary School District specifically disclaims any responsibility for the accuracy of information obtained through the Internet. The District will not be responsible for financial obligations arising through the unauthorized use of the District's Internet Services, including but not limited to the purchase of products or services. It is the students' sole responsibility to transfer ownership of any and all digital files once a student matriculates out or no longer attends Brawley schools. Brawley Elementary School District does not guarantee the status of any and all digital files.

8. Security: Security on any computer system is a high priority because there are so many users. If an employee or student identifies a security problem, he/she must notify the system administrator/instructor/staff at once. An employee or student must never demonstrate the problem to other users. An employee or student must never use another individual's account. All use of the Internet Services must be under an employee's or student's own account. Any user identified as a security risk will be denied access to the information system.

9. Updating Information: The Internet service may occasionally require new registration and account information from employees and students to continue the service. Employees and students must notify the

system administrator/instructor of any change in their account information.

10. **Student Owned Devices:** Students who are authorized by their teachers or other school/district officials to bring their own electronic devices to school (including but not limited to computers, handheld internet-accessible devices, cell/smart phones, etc.) must abide by all of the provisions listed in this Agreement, including the filtering of all content and the monitoring of device use. The District is not responsible for the loss, damage or other issues that may arise should a student choose to bring their own device(s) to school.

a. **The use of personal devices is allowed during Distance Learning.** Personal devices are subject to school district filtering and remote monitoring while logged into district/school accounts and applications. Make sure to log off district/school accounts and applications to disable district filtering and remote monitoring of personal devices.

11. **Damage to school devices:** Students will be held financially responsible for any damages or loss, to school/district property (devices or related technology equipment) if found to be due to negligence or vandalism or other misuse by the student. This includes any devices that are taken home or off-site with the permission of school personnel.

12. **Disclaimer in regards to Internet information:** **BESD** denies any responsibility for the accuracy of information obtained from the Internet or other on-line resources.

Agreement: By signing the BESD Annual Notice of Parent's Rights and Responsibilities section pertaining to student use of technology, parents and students hereby agree to comply with the School District Acceptable Use Policy, as described above. You are consenting to your child or ward's use of BESD technology/resources and agree to hold BESD harmless for any damages suffered by said child or ward, including those arising from non-deliveries, mis-deliveries, service interruptions, unauthorized use, loss of data, and exposure to potentially harmful or inappropriate material or people arising from or connected to the use of BESD technology resources.