

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT**

**DATE: MAY 15, 2012 JUNE 19, 2012**

**SUBJECT: C.6.a. APPROVE AMENDMENT TO BOARD POLICY 1113 – DISTRICT AND SCHOOL WEB SITES - First Second Reading**

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**ISSUE:** Should the Board of Education approve amendment to Board Policy 1113 – District and School Web Sites?

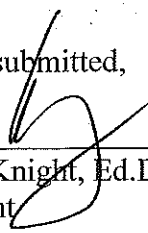
**BACKGROUND:** Board Policy 1113 is being updated 1) includes new section on “Design Standards” addressing the accessibility of web sites to individuals with disabilities per U.S. Department of Justice technical assistant publication, 2) relates policy regarding advertising in school publications to advertising on district and school web sites, and 3) clarifies option relating to posting of individual student photographs. Policy 1113 is being submitted with language recommended by CSBA.

**ALTERNATIVES:**

1. Approve the adoption of Board Policy 1113 – District and School Web Sites.
2. Do not adopt Board Policy 1113 – District and School Web Sites.
3. Adopt a modified version of Board Policy 1113 – District and School Web Sites.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 1000

Community Relations

BP 1113(a)

### District And School Web Sites

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the ***Superintendent or designee to develop and maintain development and ongoing maintenance of district and school web sites. The use of district and school web sites shall be aligned with support the district's vision and goals and shall be coordinated with other district communication strategies.*** ~~plans for communications and media relations.~~

(cf. 0000 - Vision)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1230 - School-Connected Organizations)

(cf. 1260 - Educational Foundation)

(cf. 4040 - Employee Use of Technology)

(cf. 6020 - Parent Involvement)

### Design Standards

The Superintendent or designee ~~may~~ ***shall*** establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

***The district's design standards shall address the accessibility of district-sponsored web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.***

(cf. 0410 - Nondiscrimination in District Programs and Activities)

### Guidelines for Content

The Superintendent or designee shall develop content guidelines for district and school web sites ***shall assign staff to review and approve content prior to posting.*** ~~These guidelines shall be consistent with law, Board policy and administrative regulation.~~

***Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school web sites.***

(cf. 1325 - Advertising and Promotion)

~~Staff, students, or other persons may submit materials for web publication to the district or school webmaster who shall ensure that the content adheres to district guidelines and policies.~~

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 1000

Community Relations

BP 1113(b)

~~(cf. 6145.5—Student Organization and Equal Access)~~

District and school web sites shall not include content which is obscene, libelous or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts, violate school rules or substantially disrupt the school's orderly operation.

~~(cf. 5145.2—Freedom of Speech/Expression)~~

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on district or school web sites.

~~(cf. 4132/4232/4332—Publication or Creation of Materials)~~

~~(cf. 6162.6—Use of Copyrighted Materials)~~

Any links to external sites shall support the education mission and shall include a disclaimer that the district is not responsible for the content of external web sites.

Advertising on district or school web sites may be accepted under the same restrictions and conditions set forth in law, Board policy, and administrative regulations pertaining to advertising in district and school sponsored publications.

~~(cf. 1325—Advertising and Promotion)~~

~~(cf. 3312—Contracts)~~

### Privacy Rights

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members and other individuals **are protected on district and school** web sites content protects.

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

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

~~(cf. 5022 - Student and Family Privacy Rights)~~

~~(cf. 5125 - Student Records)~~

Telephone numbers, home addresses, and email addresses of students or their parents/guardians shall not be published on a district or school web page.

~~(cf. 5125.1 - Release of Directory Information)~~

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 1000

Community Relations

BP 1113(c)

~~Other directory information including, but not limited to, photographs of individual students with their names may be published except when the student's parent/guardian has notified the district in writing to not allow the release of the student's photograph without prior written consent in accordance with BP/AR 5125.1 Release of Directory Information. Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.~~

***Photographs of individual students may be published, together with their names, except when their parent/guardian has notified the district in writing to not release the student's photograph without prior written consent in accordance with BP/AR 5125.1 – Release of Directory Information.***

***Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.***

Staff members home addresses or telephone numbers shall not be posted ***on district or school web sites.***

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on District and school web sites without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

*(cf. 1100 - Communication with the Public)*

No public safety officer shall be required as a ~~condition of employment~~ to consent to the posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation or harm to the officer or his/her family. (Government Code 3307.5)

*(cf. 3515.3 - District Police/Security Department)*

### Legal Reference:

#### EDUCATION CODE

35182.5 Contracts for advertising

35258 Internet access to school accountability report cards

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

**49061 Definitions, directory information**

49073 Release of directory information

60048 Commercial brand names, contracts or logos

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 1000

Community Relations

BP 1113(d)

**GOVERNMENT CODE**

3307.5 Publishing identity of public safety officers

6254.21 Publishing addresses and phone numbers of board members

**6254.24 Definition of public safety official****11135 Nondiscrimination; accessibility to state web sites****UNITED STATES CODE, TITLE 17**

101-1101 Federal copyright law

**UNITED STATES CODE, TITLE 20**

1232g Federal Family Educational Rights and Privacy Act (FERPA)

**UNITED STATES CODE, TITLE 42****12101-12213 Americans with Disabilities Act****CODE OF FEDERAL REGULATIONS, TITLE 16**

312.1-312.11 Children's Online Privacy

**CODE OF FEDERAL REGULATIONS, TITLE 34****99.1-99.67 Family Educational Rights and Privacy****COURT DECISIONS**

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

**Management Resources:****U.S. DEPARTMENT OF JUSTICE PUBLICATIONS***Accessibility of State and Local Government Websites to People with Disabilities, June 2003***WORLD WIDE WEB CONSORTIUM PUBLICATIONS***Web Content Accessibility Guidelines, December 2008***WEB SITES**CSBA: <http://www.csba.org>

California Department of Education, Web Accessibility Standards:

<http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>California School Public Relations Association: <http://www.calspra.org>U.S. Department of Justice, Americans with Disabilities Act: <http://www.ada.gov>World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

Adopted: 9-17-02

Amended: 10-21-03, 2-19-08

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: MAY 15, 2012 JUNE 19, 2012**

**SUBJECT: C.6.b. APPROVE AMENDMENT OF BOARD POLICY 5116.1 –  
INTRADISTRICT OPEN ENROLLMENT – ~~First~~ Second Reading**

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**ISSUE:** Should the Board of Education amendments to Board Policy 5116.1 – Intradistrict Open Enrollment?

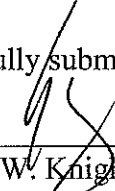
**BACKGROUND:** Board Policy 5116.1 is a mandated policy revised to reflect new law (SBX5 4) which allows a student attending a school identified by the CDE as an "open Enrollment school" to transfer to another school that has a higher Academic Performance Index. Policy contains language giving priority for admission to student attending an identified school who wish to transfer to another school with the district. Board Policy 5116.1 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment of Board Policy 5116.1 – Intradistrict Open Enrollment.
2. Do not approve the amendment of Board Policy 5116.1 – Intradistrict Open Enrollment.
3. Adopt a modified version of the amendment to Board Policy 5116.1 – Intradistrict Open Enrollment.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5116.1(a)

### Intradistrict Open Enrollment

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students **and parent/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities.** The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

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 residence within the district, if space is available at the school of choice. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

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

### Enrollment Priorities

**The Superintendent or designee shall grant priority to any district student to attend another district school** Priority for attendance outside a student's attendance area shall be given as follows:

**1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)**

**2. Any student enrolled in** If a district school receiving Title I funds **that has been** is identified for program improvement (**PI**), corrective action or restructuring. ~~all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)~~

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

**3. Any student enrolled in a district school** Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as "persistently dangerous", ~~he/she shall be provided an option to transfer to another district school~~

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5116.1(b)

~~or charter school.~~ (20 USC 7912; **5 CCR 11992**)  
(cf. 0450 - Comprehensive Safety Plan)

**4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)**

5. ~~The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers~~ Upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. **Special circumstances, include**, but **are** not limited to, threats of bodily harm or threats to the emotional stability of the student. **Any such student may transfer to a district school that is at capacity and otherwise closed to transfers.**

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, ~~including but not limited to~~ **such as** a law enforcement official, ~~or~~ social worker, or a properly licensed or registered professional, ~~including, but not limited to,~~ **such as** a psychiatrist, psychologist or marriage and family therapist
  - b. A court order, including a temporary restraining order and injunction
6. ~~Priority may be given to~~ **Any** siblings of **a** students already in attendance in that school.
7. ~~Priority shall be given to~~ **Any** students whose parent/guardian is assigned to that school as his/her primary place of employment.

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

### Capacity

~~The capacity of each school will be estimated by June 1 of the preceding school year based on facility size, enrollment projections and transfer requests. Final capacity for the year will be established on the sixth school day.~~

### Space Available

~~Whereas most parents prefer to have their children attend the school close to their home, space availability for students not residing within the attendance boundary of the requested school is defined as follows:~~

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5116.1(c)

~~Space is available unless the following per-class enrollments exists:~~

<del>Elementary</del>	
<del>Kindergarten</del>	<del>18</del>
<del>Grades 1-3</del>	<del>18</del>
<del>Grades 4-5</del>	<del>28</del>

### Middle School

- ~~Grade 6, 7 and 8 — Space at any middle school grade is available if:~~  
~~The student can receive a six (6) period program and the program includes all appropriate courses required for that grade level and class enrollment does not exceed 32.~~

### Special Programs

- ~~The appropriate program and placement option is offered at the selected school, and~~  
~~a. Resource Specialist Program is at least five (5) under maximum caseload.~~  
~~b. Non-severe Special Day Class enrollment is under eight (8) students.~~

### Application and Selection Process

*In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between May 1 and June 1 of the school year preceding the school year for which the transfer is request. Exceptions may be made on timeline for extraordinary circumstances.*

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

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

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 – Gifted and Talented Student Program)

Parents or guardians wanting their child to attend a school outside of their regular attendance area shall complete an intradistrict or school choice application and submit it to the District Office beginning May 1 but not later than June 1. Approval will be automatic if space is available for all applicants, and notice of approval will be made by June 30.

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5116.1(d)

~~If there are more school-choice applicants (number 5 below) than space available, then applicants will be selected by a random drawing which will take place the second Friday in June.~~

~~Applicants will be notified of the status of their application by June 30. Applicants who receive approval must confirm their enrollment by July 5.~~

~~Priority for enrollment shall be granted as follows:~~

- ~~1. Current enrollees of the school~~
- ~~2. New enrollees who reside within the attendance boundary (three (3) forms of proof required)~~
- ~~3. Siblings of current enrollees if the siblings will be concurrently enrolled~~
- ~~4. Health reasons verified by a licensed physician, clinical psychologist or other health care provider~~
- ~~5. School choice applicants~~
- ~~6. Out-of-district applicants~~

~~In the event that a school-choice applicant has more than one child applying for the same school, all siblings will be permitted to enroll when the name of any one sibling is drawn. If there is not enough space for all children in one family to enroll, the parents will have two (2) work days in which to decide whether to enroll any of the children in the school of choice.~~

~~Applicants not selected will be placed on a waiting list, by school, in the order drawn. These applicants will be contacted between August 15 and the sixth school day if/as space becomes available. No additional facilities will be added to a school to accommodate enrollment increase due to parent choice.~~

~~In order to prevent the unnecessary and undesirable disruption of classes and students, waiting lists will expire annually on the seventh day of school. Waiting lists will not carry over to the following year.~~

~~Once selected, a student becomes a "current enrollee of the school" with priority for continued enrollment, and no further applications for that school are required. If it should become necessary to alter attendance boundaries of any school, students residing within the designated attendance boundaries of the school shall have priority. Intra-district transfers will be considered if space is available at the school of choice in accordance with the criteria for priority enrollment. (#1-6 Selection Process)~~

~~The district will not provide transportation within or outside of a student's attendance area.~~

~~No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)~~

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5116.1(e)

~~(cf. 5116 - School Attendance Boundaries)~~

## Legal Reference:

### EDUCATION CODE

#### **200 Prohibition against discrimination**

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

**46600-46611 Interdistrict attendance agreements**

**48200 Compulsory attendance**

**48204 Residency requirements for school attendance**

**48300-48316 Student attendance alternatives, school district of choice program**

**48350-48361 Open Enrollment Act**

48980 Notice at beginning of term

### **CODE OF REGULATIONS, TITLE 5**

**11992-11994 Definition**

**UNITED STATES CODE, TITLE 20**

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

**CODE OF FEDERAL REGULATIONS, TITLE 34**

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

### **COURT DECISIONS**

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

### **ATTORNEY GENERAL OPINIONS**

85 Ops.Cal.Atty.Gen. 95 (2002)

## Management Resources:

### **U.S. DEPARTMENT OF EDUCATION GUIDANCE**

Public School Choice, ~~December 4, 2002~~ **January, 2009**

Unsafe School Choice Option, ~~July 23, 2002~~ **May 2004**

### **WEB SITES**

CSBA: <http://www.csba.org>

CDE, **Unsafe School Choice Option**: <http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education **No Child Left Behind**: <http://www.ednclb.gov>

Adopted: 6-92

Amended: 3-29-94, 4-20-99, 9-17-02

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.c. APPROVE AMENDMENT TO BOARD POLICY 0410 –  
NONDISCRIMINATION IN DISTRICT PROGRAMS AND  
ACTIVITIES - First Reading**

**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 0410 – Nondiscrimination in District Programs and Activities?

**BACKGROUND:** Board Policy 0410 is being updated to reflect new law (AB 887 and SB 559) which expands the prohibited bases of discrimination to include genetic information, gender expression, and gender identify. Policy also reflects federal regulations which 1) require newly constructed district facilities to comply, starting May 15, 2012, with the 2010 Americans with Disabilities Act Standards for Accessible Designs, and 2) require districts to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. Board Policy 0410 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 0410 – Nondiscrimination in District Programs and Activities.
2. Do not amend Board Policy 0410 – Nondiscrimination in District Programs and Activities.
3. Adopt a modified version of the amendment to Board Policy 0450 – Comprehensive Safety Plan.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

**VOTE:** AYES NOES ABSTAIN ABSENT

Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives &amp; Comprehensive Plans

BP 0410(a)

### Nondiscrimination In District Programs And Activities

The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on race, color, ancestry, national origin, ethnic group **identification**, **age**, religion, marital or parental status, physical or mental disability, **sex**, sexual orientation, gender, gender identity or expression or genetic information; ~~or~~ the perception of one or more of such characteristics; **or association with a person or group with one or more of these actual or perceived characteristics**. ~~The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities.~~

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

(cf. 6178 - ~~Vocational~~ Career Technical Education)

(cf. 6200 - Adult Education)

***Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related compliant procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other recruitment materials distributed to these groups.***

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

***The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when required by law, in a language other than English.***

### Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans With Disabilities Act **and any implementing standards and/or regulations**.

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives &amp; Comprehensive Plans

BP 0410(b)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services where 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, notetakers, written materials, taped text, and Braille or large print materials.

*(cf. 6020 – Parent Involvement)*

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 – Agenda/Meeting Materials)*

~~The Superintendent or designee shall also provide information about related complaint procedures.~~

~~*(cf. 1312.3 – Uniform Complaint Procedures)*~~

~~*(cf. 4031 – Complaints Concerning Discrimination in Employment)*~~

~~To the extent possible, the district's nondiscrimination policy shall be published in the individual's primary language.~~

~~*(cf. 5145.6 – Parental Notifications)*~~

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

**51007 Legislative intent: state policy**

#### GOVERNMENT CODE

1100 Definitions

**11135 Nondiscrimination in programs or activities funded by state**

11138 Rules and Regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

#### PENAL CODE

**422.55 Definition of hate crime**

422.6 Interface with constitutional right or privilege

#### CODE OF REGULATIONS, TITLE 5

**4600-4687 Uniform complaint procedures**

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives &amp; Comprehensive Plans

BP 0410(c)

*UNITED STATES CODE, TITLE 20*

1400-1482 Individuals with Disabilities in Education Act  
 1681-1688 Discrimination based on sex or blindness, Title IX  
 2301-2415 Carl D. Perkins Vocational and Applied Technology Act  
 6311 State plans.

6312 Local education agency plans

*UNITED STATES CODE, TITLE 29*

794 Section 504 of the Rehabilitation Act of 1973

*UNITED STATES CODE, TITLE 42*

2000d-2000d-7 Title VI, Civil Rights Act of 1964  
 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
 2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

*CODE OF FEDERAL REGULATIONS, TITLE 28*

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

*CODE OF FEDERAL REGULATIONS, TITLE 34*

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI  
 104.1-104.39 Section 504 of the Rehabilitation Act of 1973  
 106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:  
 106.9 Dissemination of policy

## Management Resources:

**CSBA PUBLICATIONS***Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011**Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010**U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS*

Protecting Students from Harassment and Hate Crime, January, 1999

Notice of Non-Discrimination, January, 1999

Nondiscrimination in Employment Practices in Education, August, 1991

*WEB SITES*CSBA: <http://www.csba.org>CDE: <http://www.cde.ca.gov>Safe Schools Coalition: <http://www.casafeschoolscoalition.org>**Pacific ADA Center:** <http://www.adapacific.org>Pacific Disability and Business Technical Assistance Center: <http://www.paedbtac.org>U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/about/offices/list/OCR>

Adopted: 12-4-01

Amended: 9-17-02

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.d APPROVE AMENDMENT TO BOARD POLICY 1250 – VISITORS/OUTSIDERS - First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 1250 – Visitors/Outsiders?

**BACKGROUND:** Board Policy 1240 is being revised to add new section regarding the presence on campus of registered sex officers, including those who are parents/guardians of district students, based on their right to participate in their children's education. Board Policy 1250 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 1250 – Visitors/Outsiders.
2. Do not amend Board Policy 1250 – Visitors/Outsiders.
3. Adopt a modified version of the amendment to Board Policy 1250 – Visitors/Outsiders.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 1000

Community Relations

BP 1250(a)

### Visitors/Outsiders

The Governing Board *believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board* encourages interested parents/guardians and *community* members of the community to visit the schools and ~~view~~ *participate in* the educational program.

To ensure *the safety of students and staff* and minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the ~~teacher and~~ principal or designee. ~~If a~~ *When a visit involves a conference with a teacher or the principal is desired*, an appointment should be set with the teacher during non-instructional time.

(cf. 6116 – Classroom Interruptions)

*All outsiders, as defined in law and administrative regulation,* ~~To ensure the safety of students and staff and avoid potential disruptions,~~ all visitors shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1112 - Media Relations)

(cf. 3515.2 – Disruptions)

~~For purposes of school safety and security,~~ The principal or designee may ~~design~~ *provide* a visible means of identification for *all individuals, who are not students or staff members* ~~visitors~~ while on school premises.

No electronic listening or recording device may be used by *any person* ~~students or visitors~~ in a classroom without the teacher's and principal's permission. (Education Code 51512)

(cf. 5144 – Discipline)

*The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.*

(cf. 1312.1 – Complaints Concerning District Employees)

(cf. 1312.2 – Complaints Concerning Instructional Materials)

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 1312.4 – Williams Uniform Complaint Procedures)

(cf. 3515.2 – Disruptions)

### Presence of Sex Offender on Campus

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 1000

Community Relations

BP 1250(b)

***Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.***

### Legal Reference:

#### EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes; misdemeanor

32212 Classroom interruptions

35160 Authority of governing boards

35292 Visits to schools (board members)

***49091.10 Parental right to inspect instructional materials and observe school activities******51101 Parent Rights Act of 2002***

51512 Prohibited use of electronic listening or recording device

#### EVIDENCE CODE

1070 Refusal to disclose news source

#### LABOR CODE

230.8 Discharge or discrimination for taking time off

#### PENAL CODE

#### ***290 Sex offenders***

626-626.10 Schools

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

#### COURT DECISIONS

***Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4<sup>th</sup> 652***

#### ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Adopted: 2-22-78

Amended: 5-28-80, 12-17-85, 1-8-91, 9-17-02, 10-21-03

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.e APPROVE AMENDMENT TO BOARD POLICY 5131 - CONDUCT  
- First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 5131 - Conduct?

**BACKGROUND:** Board Policy 5131 is being revised to reflect new law (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and new law (AB 1156) which encourages the inclusion of bullying prevention strategies in comprehensive safety plans. Board Policy 5131 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 5131 - Conduct.
2. Do not amend Board Policy 5131 - Conduct.
3. Adopt a modified version of the amendment to Board Policy 5131 - Conduct.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(a)

### 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 on school grounds, while going to or coming from school, while at school activities, and ~~while on or using~~ district transportation.

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5137 – Positive School Climate)*

*(cf. 6145.2 – Athletic Competition)*

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with **Board** district 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 and others, ***including but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats***

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5142 - Safety)*

2. ***Discrimination***, harassment, of students or staff, ~~such as, including~~ intimidation, ~~or bullying of students or staff, including sexual harassment, hate-motivated behavior,~~ cyberbullying, hazing or initiation activity, ~~ridicule,~~ extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm or substantial disruption, ~~in accordance with the section entitled “Bullying/Cyberbullying” below.~~

“Cyberbullying” includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds or images on the internet, social networking sites, or other digital technologies, using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person’s electronic account and assuming that person’s identity in order to damage that person’s reputation.

*(cf. 5131.2 – Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(b)

3. Conduct that disrupts the orderly classroom or school environment

*(cf. 5131.4 - Student Disturbances)*

**4. Willful defiance of staff's authority**

5. Damage to or theft of property belonging to the district, staff or students

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

6. **Obscene acts or** use of profane, vulgar, obscene, discriminatory, or abusive language

*(cf. 5145.2 - Freedom of Speech/Expression)*

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco)*

*(cf. 5131.63 - Steroids)*

8. Possession or use of laser pointers ~~on school premises~~, unless used for a valid instructional or other school-related purpose, ~~including employment (Penal Code 417.27)~~

Prior to bringing a laser pointer on school premises **for a valid instructional or school-related purpose**, a students shall first obtain permission from the principal or designee. ~~The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.~~

**9. Use of cellular/digital telephone, pager, or other mobile communications device during instructional time**

*Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or video recording function shall not be used in any manner which infringes on the privacy rights of any other person.*

*No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)*

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(c)

### 10. Plagiarism or dishonesty in school work or on tests

*(cf. 5131.9 - Academic Honesty)**(cf. 6162.54 - Test Integrity/Test Preparation)**(cf. 6162.6 - Use of Copyrighted Materials)*

### 11. Inappropriate attire

*(cf. 5132 - Dress and Grooming)*

### 12. Tardiness or unexcused absence from school

*(cf. 5113 - Absences and Excuses)**(cf. 5113.1 - Chronic Absence and Truancy)*

### 13. Failure to remain on school premises in accordance with school rules

*(cf. 5112.5 - Open/Closed Campus)*

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or **receive a report** ~~become aware~~ of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

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

*(cf. 5145.12 – Search and Seizure)*

***When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.***

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 cocurricular activities ***or other privileges*** in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

*(cf. 1020 – Youth Services)**(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)*

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(d)

*(cf. 5020 – Parent Rights and Responsibilities)*  
*(cf. 5127 – Graduation Ceremonies and Activities)*  
***(cf. 5138 – Conflict Resolution/Peer Mediation)***  
*(cf. 5144 – Discipline)*  
*(cf. 5144.1 – Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6020 – Parent Involvement)*  
*(cf. 6145 – Extracurricular and Cocurricular Activities)*  
***(cf. 6159.4 – Behavioral Interventions for Special Education Students)***  
***(cf. 6164.2 – Guidance/Counseling Services)***  
***(cf. 6164.5 – Student Success Teams)***  
*(cf. 6184 – Continuation Education)*  
*(cf. 6185 – Community Day School)*

Students may also 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.

### Possession/Use of Cellular Phones and Other Mobile Communication Devices

~~Students may possess or use on campus personal electronic signaling devices, including but not limited to, pagers, beepers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptops computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests. If the device has the capability to capture digital images and/or take photographs of any kind the student shall be prohibited from using this capability. Permitted devices shall:~~

- ~~1. Be turned off and put away during the school day unless it is being used as part of an instructional activity or with the permission of the teacher.~~
- ~~2. Not disrupt the educational program or school activity.~~
- ~~3. May not utilize capability to capture digital images and/or take photographs of any kind at any time.~~

~~If disruption occurs or the student uses any mobile communications device for improper activities, the employee may direct the student to turn off the device and/or shall confiscate it. If a school employee finds it necessary to confiscate a device, he/she may either return it at the end of the class period or school day or activity, or keep it until the principal or designee has~~

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(e)

~~consulted with the student's parent/guardian.~~

~~In accordance with the Board's policy and administrative regulation on search and seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.~~

~~(cf. 5145.12—Search and Seizure)~~

~~Students shall not use mobile communications devices, even in hands free mode, while driving on school grounds or to or from a school-related activity.~~

~~A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.~~

~~The District is not responsible for lost or stolen cell/digital phones, pagers, beepers, mobile communication devices, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, laptop computers, iPods, iPads or any other personal equipment brought to school.~~

### Bullying/Cyberbullying

~~The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student contact.~~

~~(cf. 5137—Positive School Climate)~~

~~(cf. 5138—Conflict Resolution/Peer Mediation)~~

~~(cf. 6164.2—Guidance/Counseling Services)~~

~~The district may provide students instruction in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. This instruction may involve parents/guardians, staff, and community members.~~

~~(cf. 1220—Citizen Advisory Committees)~~

~~(cf. 6163.4—Student Use of Technology)~~

~~School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.~~

~~(cf. 4131, 4231, 4331—Staff Development)~~

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 5000*

*Students*

*BP 5131(g)*

~~Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying or harassment shall be investigated and resolved in accordance with site level grievance procedures specified in AR 5145.7—~~

~~Sexual Harassment.~~

~~When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.~~

~~Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.~~

~~Any student who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.~~

Legal Reference:

*EDUCATION CODE*

200-262.4 Prohibition of discrimination

*32280-32289 Comprehensive safety plan*

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion

48908 Duties of students

51512 Prohibition use of electronic listening or recording device in classroom without permission

*CIVIL CODE*

1714.1 Liability of parents and guardians for willful misconduct of minor

*PENAL CODE*

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

647 Use of camera or other instrument to invade person's privacy; misdemeanor

~~647.7 Use of camera or other instrument to invade person's privacy; punishment~~

653.2 Electronic communication devices, threats to safety

*VEHICLE CODE*

23123-23124 Prohibitions against use of cellular while driving

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(h)

*CODE OF REGULATIONS, TITLE 5*

300-307 Duties of pupils

*UNITED STATES CODE, TITLE 42*

2000h-2000h6 Title IX, 1972 Education Act Amendments

*UNITED STATES CODE, TITLE 47*

254 Universal service discounts (e-rate)

*COURT DECISIONS*

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9<sup>th</sup> Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

*New Jersey v T.L.O., (1985) 469 U.S. 325*

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

## Management Resources:

*CSBA PUBLICATIONS**Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011**Providing a Safe, Nondiscriminatory School Environment for all Students, Policy Brief, April 2010*

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

Bullying at School, 2003

*NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS*

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

*NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS*

Bullying in School: Fighting the Bullying Battle, 2006

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

Adopted: 5-25-78

Amended: 10-15-80, 5-15-84, 5-20-86, 8-5-92, 9-17-02, 11-16-04, 2-19-08, 3-17-09, 9-21-10

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.f ADOPT BOARD POLICY 5131.2 – BULLYING- First Reading**

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**ISSUE:** Should the Board of Education adopt Board Policy 5131.2 – Bullying?

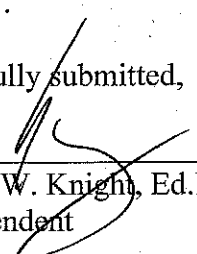
**BACKGROUND:** Board Policy 5131.2 is a new policy which contains materials formerly in BP 5131 – Conduct re: strategies for prevention and intervention of bullying. Policy reflects new law (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics. New law (AB 1156) which encourages the inclusion of bullying prevention strategies in comprehensive safety plans, and new law (AB 746) which expands the definition of bullying committed by means of an electronic act to including posting of messages on social media networks. Board Policy 5131.4 is being submitted with language recommended from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 5131.2 – Bullying.
2. Do not amend Board Policy 5131.2 – Bullying.
3. Adopt a modified version of the amendment to Board Policy 5131.2 – Bullying.

**RECOMMENDATION:** Approval of Alternative #1.

Respectfully submitted,

  
 \_\_\_\_\_  
 Anthony W. Knight, Ed.D.  
 Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE: AYES NOES ABSTAIN ABSENT

Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 5000*

*Students*

*BP 5131.2(a)*

### Bullying

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

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

*(cf. 5145.2 - Freedom of Speech/Expression)*

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

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 6020 - Parent Involvement)*

### Bullying Prevention

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

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 5000*

*Students*

*BP 5131.2(b)*

incidents or threats, and the consequences for perpetrators of bullying.

*(cf. 5137 - Positive School Climate)*

*(cf. 6164.2 - Guidance/Counseling Services)*

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

*(cf. 6163.4 - Student Use of Technology)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

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

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

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

### Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

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

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

### Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 5000*

*Students*

*BP 5131.2(c)*

consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

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

### Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

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

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

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

#### Legal Reference:

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

#### **PENAL CODE**

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 5000*

*Students*

*BP 5131.2(d)*

*UNITED STATES CODE, TITLE 47*

254 Universal service discounts (e-rate)

*COURT DECISIONS*

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

*Management Resources:*

*CSBA PUBLICATIONS*

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

*WEB SITES*

CSBA: <http://www.csba.org>

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Adopted:

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.g APPROVE AMENDMENT TO BOARD POLICY 5144.1 –  
SUSPENSION AND EXPULSION/DUE PROCESS – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 5144.1 – Suspension and Expulsion/Due Process?

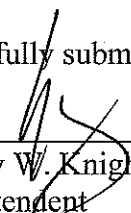
**BACKGROUND:** Board Policy 5144.1 is a mandated policy being reorganized to include language requiring fair, consistent enforcement of suspension and expulsion rules in response to new U.S. Department of Education Office for Civil Rights (OCR) report finding disproportionate rates of suspension/expulsion by race and ethnicity, gender, and disability. Policy also revises materials re: zero tolerance to encourage use of alternative disciplinary measures that keep students in school during the school day, except under specified circumstances. Board Policy 5144.1 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 5144.1 – Suspension and Expulsion/Due Process.
2. Do not amend Board Policy 5144.1 – Suspension and Expulsion/Due Process.
3. Adopt a modified version of the amendment to Board Policy 5144.1 – Suspension and Expulsion/Due Process.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5144.1(a)

### Suspension And Expulsion/Due Process

The Governing Board *desires to provide district students access to education opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop* has established policies *rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.* and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. 5131 – Conduct)

(cf. 5144 - Discipline)

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

*District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.*

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

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

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

*To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the day.*

(cf. 1020 – Youth Services)

(cf. 5138 – Conflict Resolution/Peer Mediation)

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5144.1(b)

*(cf. 6142.4 – Service Learning/Community Service Classes)**(cf. 6164.2 – Guidance/Counseling Services)**(cf. 6164.5 – Student Success Teams)*

***Alternatives to suspension or expulsion also shall be used with students who are truant, tardy or otherwise absent from assigned school activities.***

*(cf. 5113 – Absences and Excuses)**(cf. 5113.1 – Chronic Absence and Truancy)*

Suspended or expelled students shall be denied the privilege of participation in all school-related extracurricular activities during the period of suspension or expulsion.

*(cf. 6145 – Extracurricular and Cocurricular Activities)**(cf. 6145.2 – Athletic Competition)*

### Progressive Discipline

Although the Oak Park Unified School District follows a progressive approach to student discipline, the acts enumerated in Education Code 48915 (“possessing, selling or otherwise furnishing a firearm; brandishing a knife at another person; unlawfully selling a controlled substance listed in section 11053 of the Health and Safety Code; committing or attempting to commit a sexual assault; and possession of explosives”) constitute serious threats to school and individual safety. As a result, they will be dealt with in a swift and appropriate manner as prescribed by Education Code. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent or designee shall notify staff, students and parents/ guardians about the district's discipline policies and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of these policies.

### Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in law **and** administrative regulation ~~and/or~~. (Education Code 48911, 48915, 48915.5)

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5144.1(c)

*(cf. 5119 - Students Expelled from Other Districts)**(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

### **Removal from Class by a Teach and Required Parental Attendance**

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

~~Whenever is removing a student from a class because he/she *for* committing an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully *defying* valid staff authority, the teacher of the class from which the student was removed may provide *require any* that the student's parent/guardian *who lives with the student* to attend a portion of a school day in that class from which the student *was* suspended, *to assist in resolving the classroom behavior problem.* (Education Code 48900.1)~~

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

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

~~When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)~~

~~The notice shall specify that the attendance may be on either the date the student returns to class or within one week thereafter.~~

~~A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)~~

~~When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact *his/her by telephone, mail, or other means that maintains the confidentiality of the student's records.* any parents/guardians who do not respond to the~~

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5144.1(d)

~~request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.~~

*(cf. 5125 – Student Records)*

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

### On-Campus ~~Supervised~~ Suspension Classroom Program

~~The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.~~

***To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised in-house classroom suspension program which meets the requirements of law. The use of such alternatives does not preclude off-campus suspensions.*** ~~for suspended students for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.~~

~~The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.~~

### Decision Not to Enforce Expulsion Order

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

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5144.1(e)

## Legal Reference:

*EDUCATION CODE*

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32050 Hazing

*32261 Interagency School Safety Demonstration Act of 1985*

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48666 Community day schools

48900-48926 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

*CIVIL CODE*

47 Privileged communication

48.8 Defamation liability

*CODE OF CIVIL PROCEDURE*

1985-1997 Subpoenas; means of production

*GOVERNMENT CODE*

11455.20 Contempt

54950-54963 Ralph M. Brown Act (re closed sessions)

*HEALTH AND SAFETY CODE*

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

*LABOR CODE*

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

*PENAL CODE*

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery fines

243.4 Sexual battery

245 Assault with deadly weapon

*245.6 Hazing*

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.25-417.27 Laser scope

~~422.6 Interference with civil rights; damaging property~~~~422.7 Aggravating factors for punishment~~~~422.75 Protected classes~~

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5144.1(f)

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

**WELFARE AND INSTITUTIONS CODE**

729.6 Counseling

**UNITED STATES CODE, TITLE 18**

921 Definitions

**UNITED STATES CODE, TITLE 20**

7151 Gun free schools

**COURT DECISIONS**T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4<sup>th</sup> 1267Woodbury v. Dempsey (2003) 108 Cal. App. 4<sup>th</sup> 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and

Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308

**ATTORNEY GENERAL OPINIONS**

84 Ops.Cal.Atty.Gen 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

**Management Resources:****CSBA PUBLICATIONS***Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011***U.S. DEPARTMENT OF EDUCATION PUBLICATIONS***Civil Rights Data Collection Summary, March 2012***WEB SITES**CSBA: <http://www.csba.org>California Attorney General's Office: <http://www.caag.state.ca.us>CDE: <http://www.cde.ca.gov>*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>*U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/about/offices/list/osdfs>

Adopted: 5-24-78

Amended: 10-15-80; 5-15-84; 5-2-95; 2-2-99; 2-20-01; 9-17-02; 6-17-03; 6-15-04; 3-22-05

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.h APPROVE AMENDMENT TO BOARD POLICY 5145.3 –  
NONDISCRIMINATION/HARASSMENT – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 5145.3 – Nondiscrimination/Harassment?

**BACKGROUND:** Board Policy 5145.3 is a mandated policy is updated to reflect new law (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, including gender identity and gender expression. Policy also adds language 1) prohibiting retaliation against students who file a complaint or report, and 2) requiring related training of students, parent/guardians, and employees. Board Policy 5145.3 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 5145.3 – Nondiscrimination/Harassment.
2. Do not amend Board Policy 5145.3 – Nondiscrimination/Harassment.
3. Adopt a modified version of the amendment to Board Policy 5145.3 – Nondiscrimination/Harassment.

**RECOMMENDATION:** Approval of Alternative #1.

Respectfully submitted,

\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.3(a)

### Nondiscrimination/Harassment

The Governing Board desires to *provide a safe school environment that allows all students equal access and opportunities in the district's academic and other education support programs, services, and activities. The Board prohibits, at any school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.* ensure equal opportunities for all students in admission and access to the district's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. District programs and activities shall be free from discrimination, including harassment, with respect to the student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education under Section 504)

The Board prohibits discrimination, intimidation, or harassment of any student by any employee, student or other person in the district. Prohibited **discrimination**, harassment, **intimidation**, or **bullying** includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

*The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.*

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

(cf. 1240 - Volunteer Assistance)

(cf. 6145 - Extracurricular and Cocurricular Activities)

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.3(b)

*(cf. 6145.2 – Athletic Competition)**(cf. 6164.2 – Guidance/Counseling Services)*

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including but not limited to, instruction, guidance, and supervision.

*(cf. 5145.2 – Freedom of Speech/Expression)**(cf. 6145 – Extracurricular and Coextracurricular Activities)**(cf. 6145.2 – Athletic Competition)**(cf. 6164.2 – Guidance/Counseling Services)*

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, or harassment, **intimidation, bullying, or retaliation** in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, **intimidation, bullying, or retaliation** shall be subject to disciplinary action, up to and including dismissal.

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

### Grievance Procedures

The Board hereby designates Superintendent as Coordinator(s) for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

Superintendent  
Oak Park Unified School District  
5801 E. Conifer Street  
Oak Park, CA 91377  
818-735-3206

*(cf. 1312.1 - Complaints Concerning District Employees)*

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.3(c)

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

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

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

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

*(cf. 5145.7 – Sexual Harassment)*

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

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

*(cf. 1113 – District and School Web Sites)*

*(cf. 1114 – District-Sponsored Social Media)*

*(cf. 6163.4 – Student Use of Technology)*

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 5000**Students**BP 5145.3(d)*

48900.3 Suspension or expulsion for act of hate violence  
 48900.4 Suspension or expulsion for threats or harassment  
 48904 Liability of parent/guardian for willful student misconduct  
 48907 Student exercise of free expression  
 48950 Freedom of speech

***48985 Translation notices***

49020-49023 Athletic programs  
 51500 Prohibited instruction or activity  
 51501 Prohibited means of instruction  
 60044 Prohibited instructional materials

***CIVIL CODE***

1714.1 Liability of parents/guardians for willful misconduct of minor

***PENAL CODE***

422.55 Interference with constitutional right or privilege  
 422.6 Crimes, harassment

***CODE OF REGULATIONS, TITLE 5***

4600-4687 Uniform Complaint Procedures  
 4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

***UNITED STATES CODE, TITLE 20***

1681-1688 Title IX of the Education Amendments of 197

***UNITED STATES CODE, TITLE 42***

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended  
 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

***CODE OF FEDERAL REGULATIONS, TITLE 34***

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

***COURT DECISIONS***

Donovan v. Poway Unified School District (2008) 167 Cal.App.4<sup>th</sup> 567  
 Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

***Management Resources:******CSBA PUBLICATIONS******Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011***

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

***CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES***

California Student Safety and Violence Prevention – Laws and Regulations, April 2004

***FIRST AMENDMENT CENTER PUBLICATIONS***

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

***NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS***

Dealing with Legal Matter Surrounding Students' Sexual Orientation and Gender Identity, 2004

***U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS******Dear Colleague Letter: Harassment and Bullying, October 2010***

Notice of Non-Discrimination, January, 1999

***WEB SITES***

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendment.org>

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 5000*

*Students*

*BP 5145.3(e)*

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National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Adopted: 10-15-80

Amended: 5-20-86, 8-18-92, 9-17-02, 9-21-10

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.i APPROVE AMENDMENT TO BOARD POLICY 5145.7 – SEXUAL HARASSMENT –First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 5145.7 – Sexual Harassment?

**BACKGROUND:** Board Policy 5145.7 is a mandated policy updated to reflect new OCR guidance which clarifies that 1) sexual Violence (e.g. rape, sexual assault, sexual battery, sexual coercion) is a form of sexual harassment that must be addressed by districts in the same way as other forms of sexual harassment; 2) districts should providing information about the rights of students and parents/guardians to file a criminal complaint of sexual harassment as applicable; and 3) districts should response to sexual harassment that comes to their attention even when a victim requests anonymity. Board Policy 5145.7 is being submitted with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 5145.7 – Sexual Harassment.
2. Do not amend Board Policy 5145.7 – Sexual Harassment.
3. Adopt a modified version of the amendment to Board Policy 5145.7 – Sexual Harassment.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.7(a)

### Sexual Harassment

The Governing Board is committed to maintaining **a safe school** ~~an educational~~ environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students **at school or at school-sponsored or school-related activities.** ~~by other students, employees or other persons, at school or at school-sponsored or school-related activities.~~ The Board also prohibits retaliatory behavior or action against **any** persons who **files a** complaint, testifies, assist or otherwise participates in the ~~district~~ complaint processes.

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

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 4119.11/4129.11/4319.11 – Sexual Harassment)

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 – Positive School Climate)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 6142.1 – Sexual Health and HIV/AIDS Prevention Instruction)

### Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same **sex and could involve sexual violence** gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. **Information about the rights of students and parents/guardians to file a criminal complaint, as applicable**

(cf. 5131.5 – Vandalism, Theft and Graffiti)

(cf. 5137 – Positive School Climate)

(cf. 5145.3 – Nondiscrimination/Harassment)

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.7(b)

~~(cf. 6142.1 – Sexual Health and HIV/AIDS Prevention Instruction)~~

### Complaint Process

Any student who feels that he/she is being or has been sexually harassed ~~by a school employee, another student, or a non-employee~~ on school grounds or at a ***school-sponsored or*** school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

*(cf. 1312.1 – Complaints Concerning District Employees)*

*(cf. 5141.4 – Child Abuse Prevention and Reporting)*

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

### Disciplinary *Actions* Measures

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

~~*(cf. 5131 – Conduct)*~~

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

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

### Confidentiality and Record-Keeping

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

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

*(cf. 5125 – Student Records)*

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

Legal Reference:

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.7(c)

**EDUCATION CODE**

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

**CIVIL CODE**

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

**GOVERNMENT CODE**

12950.1 Sexual harassment training

**CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform Complaint Procedures  
 4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

**UNITED STATES CODE, TITLE 20**

1681-1688 Title IX, Discrimination

**UNITED STATES CODE, TITLE 42**

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

**CODE OF FEDERAL REGULATIONS, TITLE 34**

106.1-106.71 Nondiscrimination on the basis of sex in education programs.

**COURT DECISIONS**

Donovan v. Poway Unified School District (2008) 167 Cal.App.4<sup>th</sup> 567  
 Flores v. Morgan Hill Unified School District, (2003, 9<sup>th</sup> Cir.) 324 F.3d 1130  
 Reese v. Jefferson School District, (2001) 208 F.3d 736  
 Davis v. Monroe County Board of Education, (1999) 526 U.S. 629  
 Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989  
*Oona by Kate S. v. McCaffrey, (1998, 9<sup>th</sup> Cir.) 143 F.3d 473*  
 Doe v. Petaluma City School District, (1995, 9<sup>th</sup> Cir.) 54 F.3d 1447  
 Oona R. S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

**Management Resources:****CSBA PUBLICATIONS**

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

*Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010*

**OFFICE OF CIVIL RIGHTS' PUBLICATIONS**

*Dear Colleague Letter: Sexual Violence, April 4, 2011*

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

**WEB SITES**

**CSBA:** <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

**U.S. Department of Education, Office for Civil Rights OCR:** <http://www.ed.gov/about/offices/list/ocr>

Adopted: 3-2-93

Amended: 9-17-02, 6-9-09

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.j APPROVE AMENDMENT TO BOARD POLICY 6145 –  
EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES -  
First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities?

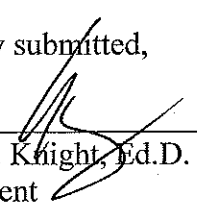
**BACKGROUND:** Board Policy 6145 is a mandated policy updated to clarify that no fee may be charged to students for participation in extracurricular and co-curricular activities related to the educational program, unless specifically authorized by law, and that a district policy allowing for waivers of the fee based on financial need does not render the fee constitutional. Board Policy 6145 is being submitted as with recommended changes from CSBA.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities.
2. Do not amend Board Policy 6145 – Extracurricular and Co-Curricular Activities.
3. Adopt a modified version of the amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE: AYES NOES ABSTAIN ABSENT

Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6145(a)

### Extracurricular and Co-curricular Activities

The Governing Board recognizes that extracurricular and co-curricular activities enrich the educational and social development and ***enhance students' feelings of connectedness with the school.*** experiences of students. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 – Use of School Facilities)

(cf. 5137 – Positive School Climate)

(cf. 6145.2 – Athletic Competition)

(cf. 5148.2 – Before/After School Programs)

No extracurricular or co-curricular program or activity shall be provided or conducted separately ***on the basis of any actual or perceived characteristic listed as prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases.*** and no district student's participation in extracurricular and co-curricular activities shall be required or refused, based on the student's sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. Requirements ***Prerequisites*** for participation in extracurricular and co-curricular activities shall be limited to those that ***have been demonstrated to be*** are essential to the success of the activity. (5 CCR 4925)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6145.5 – Student Organizations and Equal Access)

Any complaint ***alleging unlawful discrimination in*** regarding the district's extracurricular and co-curricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

***Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and co-curricular activities related to the educational program, including materials or equipment related to the activity.*** because of inability to pay fees associated with the activity.

(cf. 3260 - Fees and Charges)

(cf. 3452 – Student Activity Funds)

### Eligibility Requirements

To be eligible to participate in extracurricular and co-curricular activities, students in grades 7

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6145(b)

through 12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale *in all enrolled classes*
2. Maintenance of minimum progress toward meeting high school graduation requirements

(cf. 5121 – Grades/Evaluation of Student Achievement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee may grant ineligible students a probationary period of not more than one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (*Education Code 35160.5*)

~~(cf. 6164.5 – Student Study Teams)~~

~~(cf. 6176 – Weekend/Saturday Classes)~~

~~(cf. 6177 – Summer School)~~

~~(cf. 6179 – Supplemental Instruction)~~

Any decision regarding the eligibility of any child in foster care or a child of a *an active duty* military family for extracurricular or co-curricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173.1 – Education for Foster Youth)

(cf. 6173.2 – Education of Children of Military Families)

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and co-curricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

### Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and/or co-curricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct. Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or co-curricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 – Conduct)

(cf. 5131.1 – Bus Conduct)

(cf. 5144 – Discipline)

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6145(c)

*(cf. 5144.1 – Suspension and Expulsion/Due Process)**(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))**(cf. 6145.2 – Athletic Competition)*

## Annual Policy Review

The Board shall annually review this policy and implementing regulations.

### Legal Reference:

#### **EDUCATION CODE**

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

**49024 Activity Supervisor Clearance Certificate**

49700-49704 Education of children of military families

#### **CALIFORNIA CONSTITUTION**

**Article 9, Section 5 Common school system**

#### **CODE OF REGULATIONS, TITLE 5**

350 Fees not permitted

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

5531 Supervision of extracurricular activities of pupils

#### **UNITED STATES CODE, TITLE 42**

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

#### **COURT DECISIONS**

Hartzell v. Connell, (1984) 35 Cal. 3d 899

### Management Resources:

#### **CSBA PUBLICATIONS**

**Student Fees Litigation Update, ELA Advisory, May 20, 2011**

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011**

#### **CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE**

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

#### **WEB SITES**

**CSBA: <http://www.csba.org>**California Association of Directors of Activities: <http://www.cadal.org>California Department of Education, Educational Options Office: <http://www.cde.ca.gov/ls/pf/ms>California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy/>**Commission on Teacher Credentialing: <http://www.ctc.ca.gov>**

Adopted: 4-26-80

Amended: 9-3-85, 1-5-99, 9-17-02, 3-16-10

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**

**DATE: JUNE 19, 2012**

**SUBJECT: C.6.k APPROVE AMENDMENT TO BOARD POLICY 6172 – GIFTED AND TALENTED STUDENT PROGRAM – First Reading**

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**ISSUE:** Should the Board of Education approve the proposed amendment to Board Policy 6172 – Gifted and Talented Student Program?

**BACKGROUND:** Board Policy 6172 is being submitted to update the policy to reflect the practice of accepting transferring students who were identified GATE in their previous district.

**ALTERNATIVES:**

1. Approve the amendment to Board Policy 6172 – Gifted and Talented Student Program.
2. Do not amend Board Policy 6172 – Gifted and Talented Student Program.
3. Adopt a modified version of the amendment to Board Policy 6172 – Gifted and Talented Student Program.

**RECOMMENDATION:**  
Approval of Alternative #1.

Respectfully submitted,

\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 6000*

*Instruction*

*BP 6172(a)*

### Gifted and Talented Student Program

The Governing Board believes that all students deserve an education that challenges them to meet their full potential. The Board shall provide gifted and talented students in grades K-12 opportunities for learning commensurate with their particular abilities and talents.

*(cf. 0200 – Goals for the School District)*

*(cf. 0420.1 – School-Based Program Coordination)*

*(cf. 6000 – Concepts and Roles)*

The Board shall approve a district plan for gifted and talented education (GATE) which meets criteria established by the State Board of Education for program approval.

The district's program shall be designed to provide articulated learning experiences across subjects and grade levels and shall be aligned with and extend the state academic content standards and curriculum frameworks.

*(cf. 6011 – Academic Standards)*

*(cf. 6142.7 – Physical Education)*

*(cf. 6142.8 – Comprehensive Health Education)*

*(cf. 6142.91 – Reading/Language Arts Instruction)*

*(cf. 6142.92 – Mathematics Instruction)*

*(cf. 6142.93 – Science Instruction)*

*(cf. 6178 – Career Technical Education)*

### Identification of Gifted and Talented Students

Students may be identified for the GATE program on the basis of demonstrated or potential abilities in any one or more of the following categories: (Education Code 52202; 5 CCR 3822)

1. Intellectual Ability: The student demonstrates extraordinary or potential for extraordinary intellectual development.
2. Creative Ability: The student characteristically perceives unusual relationships among aspects of the student's environment and among ideas, overcomes obstacles to thinking and doing, and/or produces unique solutions to problems.
3. Specific Academic Ability: The student functions at highly advanced academic levels in particular subject areas.
4. Leadership Ability: The student displays the characteristic behaviors necessary for extraordinary leadership.

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6172(b)

5. High Achievement: The student consistently produces advanced ideas and products and/or attains exceptionally high scores on achievement tests.

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*  
*(cf. 6142.6 – Visual and Performing Arts Education)*

***Students who enter the district already designated GATE by their previous district shall be automatically identified GATE in Oak Park Unified School District.***

### Instructional Components

The District's GATE program may include special day classes, part-time groupings and cluster groupings which shall be planned and organized as an integrated, differentiated learning experience within the regular school day. These programs may be augmented or supplemented with other differentiated activities related to the core curriculum using such strategies as independent study, acceleration, postsecondary education, and enrichment. (Education Code 52206, 5 CCR 3840)

*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6141.5 - Advanced Placement)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*  
*(cf. 6158 - Independent Study)*  
*(cf. 6172.1 – Concurrent Enrollment in College Classes)*  
*(cf. 6176 – Weekend/Saturday Classes)*  
*(cf. 6177 - Summer School)*

GATE students may regularly participate, on a planned basis in special counseling or instructional activity during or outside of the regular school day in order to benefit from additional educational opportunities not provided in the regular classroom. (5 CCR 3840)

*(cf. 6164.2 – Guidance/Counseling Services)*

In addition, the district may provide specialized services designed to assist underachieving, linguistically diverse, culturally diverse, and/or economically disadvantaged GATE students to achieve at level commensurate with their abilities. (5 CCR 3840)

*(cf. 5145.3 – Nondiscrimination/Harassment)*  
*(cf. 6174 – Education for English Language Learners)*

The district's GATE program shall include an academic component and, as appropriate, instruction in basic skills for each student. (Education Code 52206)

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6172(c)

The district's program shall support the social and emotional development of GATE students in order to increase responsibility, self-awareness, and social awareness and adjustment.

Staff development shall be provided to support teachers of GATE students in understanding the unique learning styles and abilities of these students and in developing appropriate instructional strategies.

*(cf. 4131 - Staff Development)*

### Advisory Committee

The Superintendent or designee shall appoint an advisory committee to support the needs of the GATE program and to assist in program planning, implementation, and evaluation. The committee shall include the district's program coordinator, certificated staff, parents/guardians of GATE students, community members, and students as appropriate.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6020 - Parent Involvement)*

### Program Evaluation

The Board shall annually review the progress of students enrolled in the district's GATE program and administration of the program using methods identified in the district's GATE plan, and may require modifications in the program as indicated by the results of this review. (5 CCR 3831)

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

*(cf. 6190 - Evaluation of the Instructional Program)*

#### Legal Reference:

#### **EDUCATION CODE**

37223 Weekend classes for mentally gifted minors

41500-41573 Categorical education block grants

48800-48802 Enrollment of gifted students in community college

51740 Instruction by correspondence

51745-51749.3 Independent study programs

52200-52212 Gifted and Talented Pupil Program

52800-52887 School-Based Program Coordination

64000 Categorical programs including in consolidated applications

64001 Single plan for student achievement, consolidated application programs

## OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 6000*

*Instruction*

*BP 6172(d)*

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76000-76002 Enrollment in community college

*CODE OF REGULATIONS, TITLE 5*

1633 Instruction by correspondence

3820-3870 Gifted and Talented Pupil Program

### Management Resources:

*CALIFORNIA ASSOCIATION FOR THE GIFTED PUBLICATIONS*

GATE Standards Workbook: A Guide to Design, Improve and Assess Gifted Programs, 2005

Meeting the Standards: A Guide to Developing Services for Gifted Students, 2002

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

Gifted and Talented Education Program Resource Guide, rev. 2005

Recommended Standards for Programs for Gifted and Talented Students, 2005

### *WEB SITES*

CDE, Gifted and Talented Education: <http://www.cde.ca.gov/sp/gt>

California Association for the Gifted: <http://www.cagifted.org>

Council for Exceptional Children, The Association for the Gifted (CEC-TAG): <http://www.cectag.org>

National Association for Gifted Children: <http://www.nagc.org>

Adopted: 9-17-02

Amended: 8-24-04, 2-21-06, 12-9-08

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: Debra A. Burgher, Principal. Brookside Elementary School**

**DATE: June 19, 2012**

**SUBJECT: Brookside Elementary School, Monthly Board Report**

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**TEACHING STAFF:** Three talented Brookside teachers are retiring: Paula Stromquist, Maryann Johnson, and Linda Glander. We are also saying farewell to Kindergarten aides Christine Reale and Lindsay Erickson. Coach Rachel Harshfield will be pursuing other career goals, so is not returning. Librarian Carol Groves is departing as well. We wish them the best.

**BROOKSIDE CAMP OUT JUNE 2:**

A waxing gibbous moon decorated the evening sky as families settled down for the night. Inflatable obstacle courses, slides and bouncers were popular with all ages. Carnival type games with prizes; a cakewalk and a DJ provided dance instruction and entertainment. Brookside Tigers enjoyed a variety of foods from at "food truck" and Shave-It ice. A great time!

**AIR FORCE ONE DISCOVERY CENTER MAY 24:**

Fifth grade students traveled to the Reagan Library to practice and improve their critical thinking and decision-making skills. Students had the opportunity to role-play in a realistic, interactive environment. The historical scenario centered on the military action taken on the island of Grenada in October of 1983. Students became advisors to the President, top-level military officials, and members of the White House Press Corps.

**JUNIOR ACHIEVEMENT ONGOING:**


Dozens of Brookside volunteers are bringing Junior Achievement lessons to students. The program uses experiential learning to help young people connect with relevant learning and the importance of staying in school. The program fosters work-readiness, entrepreneurship and financial literacy skills. It inspires students to dream big and reach their potential.

**FIFTH GRADE CULMINATION JUNE 15:** 8:45 am in the quad. Congratulations!

**HAPPENINGS:**

June 11 Fifth grade party at Keystone – all day  
 June 11 Year End Assembly & Announcements 8:20 in the quad  
 June 15 Culmination: 8:45 a.m. in the quad

Respectfully submitted:

  
 \_\_\_\_\_  
 Anthony W. Knight, Ed.D.  
 Superintendent

**TO: Members of the Oak Park Unified School District Board of Education**

**FROM: Erik Warren, Principal, Oak Hills Elementary School**

**DATE: June 19, 2012**

**SUBJECT: Monthly Board Report**

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130

This has been a great year at Oak Hills, and we are still busy packing as much in to the little time we have left. Our fifth grade students are anxiously preparing for their Culmination celebration, Kindergarteners are rehearsing for the Rainbow Show, and just about every grade in between is getting ready to celebrate all they have learned this year in their own unique way. Fourth graders are performing their historically accurate musical reenactment of The Days of '49, and our third graders have taken on the persona of a character to present at their Biography project. It is an extremely busy but exciting time of year.

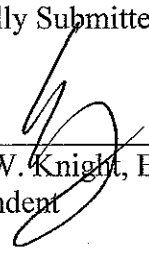
Our Student Council worked hard to carve out some time for a special end-of-the-year celebration. Students from each class organized a carnival-style game involving some sort of water play for our Summer Extravaganza. The students enjoyed running and participating in a wide variety of activities including sponge tosses, water capture the flag, bobbing for apples, and bucket brigades. A fun time was had by all, and our Student Council members had a good opportunity to sharpen their organization and leadership skills.

A committee of Oak Hills teachers joined forces with our Brookside colleagues to search for a few outstanding teachers to join our Oak Park team. While no decisions have been made as of this writing, we have held two full days interviewing very impressive candidates. Some of these candidates have been scheduled to teach demonstration lessons for the panel, and we hope to have all our decisions made by the end of the school year.

Our Library, Multi-Purpose Room, and Kindergarten classroom repairs are all complete. We owe a huge thank you to Julie Suarez and our facilities team for getting this accomplished as quickly as possible while minimizing disruptions. Our next challenge will be to pack-up and move the Music, Special Education, Literacy programs and set up two new fifth grade classrooms. Music will be set up in the Multi-Purpose room, our Special Education Program will move into the Literacy room, and we are excited to be adding two smaller bungalow classrooms for small-group work that will be perfect for providing Literacy support.

This year's Open House was a great success. Students were excited to show off all their work that had been carefully set-up in each classroom. We offered a staggered start schedule to allow families with multiple kids enough time to spend in each room. This also allowed us to open the event with a meeting for each group thanking parents for the financial support that made much of our rich curriculum possible. It was also the perfect opportunity to look forward to next year and promote the Our Children's Future Legacy Brick program. A huge thank you PTA president Tracy Kaufmann for putting together an informative presentation. The whole evening was positive and very well received.

Respectfully Submitted;

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: Jon A. Duim, Principal, Red Oak Elementary School**

**DATE: June 19, 2012**

**SUBJECT: Monthly Board Report**

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**Staff Appreciation Week**

Our Parent-Faculty Association showed their appreciation to our staff with a weeklong series of food and favors that followed a candy theme. The culmination of staff appreciation week was a luncheon feast in our library on May 2.

**Open House**

On May 23, Red Oak Elementary School had our Open House. The evening started out at 6:15 with our fifth annual Chalk Walk. Students drew pictures on the sidewalks using colored chalk. The lower grade classrooms were open starting at 6:30 and the upper grades at 7:00. Student artwork was displayed in our Multi-purpose Room art gallery and our library had an exhibit of themed books assembled for parents and students to view.

**Volunteer Brunch**

To thank our parent and community volunteers, our Red Oak staff invited them to a brunch. The brunch had a camping theme and featured a variety of wonderful foods. The staff sang an original song of thanks to all the volunteers at our Morning Assembly.

**International Gala**

On Friday, May 18 in the Red Oak MPR our third annual International Gala was held celebrating the many different cultures of the world. This event featured songs, dancing, music and food from about 20 different countries. Most of the materials for this event are shared from the backgrounds of our Red Oak community.

**Red Oak School Carnival**

Our annual Red Oak School Carnival was on Sunday, June 3 on the Red Oak campus. This event will include food, rides, games, prizes and family entertainment for our Red Oak community.

Respectfully Submitted:

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Anthony Knight, Ed.D.  
Superintendent

**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: BRAD BENIOFF, PRINCIPAL, MEDEA CREEK MIDDLE SCHOOL**  
**DATE: JUNE 19, 2012**  
**SUBJECT: MONTHLY SCHOOL REPORT**

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**Fifth Graders Visit MCMS June 1st:**

OPUSD's 5<sup>th</sup> graders come for their annual orientation and tour of MCMS, hosted by ASB.

**Ceiling Tile Art Celebration June 7th:**

Join us in Ms. Cadle's Room D2 at 5:00 as this year's Art Showcase students unveil their masterpieces.

**8<sup>th</sup> Grade Dance June 8th:**

6:00-8:00 in the MCMS Gym: Dinner and dancing!

**8<sup>th</sup> Grade Disneyland Trip June 11<sup>th</sup>**

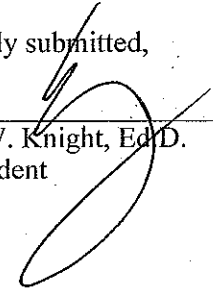
**T.A.P. in 7<sup>th</sup> Grade:** 7<sup>th</sup> grade Humanities students share their vision for an MCMS Tolerance Awareness Program

**8<sup>th</sup> Grade Awards Assembly June 12<sup>th</sup>:** Students and parents gather in the morning for an awards recognition program, celebrating hard work and achievement in various areas.

**8<sup>th</sup> Grade Breakfast June 13<sup>th</sup>:** Parents host a breakfast in the lunch area at Medea for 8<sup>th</sup> graders.

**Culmination June 13th: OPHS at 6:00:** The annual event returns to OPHS.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

**TO: Members of the Oak Park Unified Board of Education**

**FROM: Kevin Buchanan, Principal, Oak Park High School**

**DATE: June 19, 2012**

**SUBJECT: Monthly Board Report**

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### **SENIOR AWARDS**

This year, OPHS conducted the senior awards and the senior scholarship awards on the same day. The departmental awards were held in the morning and the scholarships in the evening. Our students were recognized in all academic, athletic, and artistic fields and it was a remarkable recognition of their achievements and accomplishments.

### **PROM**

This year's prom was held at the Sony Atrium in Culver City and was a splendid affair. The whole event went off without a hitch and the students arrived in fine style. There were no disciplinary incidents whatsoever.

### **COMMENCEMENT**

Graduation ceremonies were held in Eagle Stadium on Thursday, June 14<sup>th</sup> at 6pm. The stadium has a new sound system and this will save us the cost of rental.

### **THE TALON**

The OPHS newspaper The Talon has produced a printed edition. The Journalism Club led by Caitlin Fowler has produced six online issues this year and a final printed souvenir senior edition. We are very proud that we have a school newspaper back at OPHS and have plans to continue to produce printed editions.

### **CHOIR CONCERT**

The annual Choir Spring Concert was held on June 1st in the Pavilion at 7:00pm.

### **SCHOOL SITE COUNCIL**

The tenth meeting of this year's School Site Council took place on Tuesday, June 5th. The members of Site Council discussed the make up of School Site Council for the 2012-13 school year. Chairman Doug Orens received an engraved plaque in appreciation of his four years of service to Site Council. Please see our web site for the minutes and details of this meeting.

### **YEARBOOK DISTRIBUTION**

Yearbook distribution will be held on June 4th. This year's book is outstanding. Big thanks go out to Kathy Leggett and the students in her yearbook class.

Respectfully Submitted:

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

**TO: Members of the Oak Park Unified Board of Education**

**FROM: Lou Tabone, Principal, Oak View High School/Oak Park Independent School**

**DATE: June 19, 2012**

**SUBJECT: Monthly Board Report**

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Oak View and Independent School

Both schools are very busy as we complete final preparations for graduation and culmination. Oak View has twelve grads while OPIS has thirty in 2012.

Senior events to the beach, Magic Mountain and breakfast/dinner is being enjoyed by students from both schools, and hopefully also by the staff chaperones....

New Family Information Meetings are being conducted at both schools. This is a first for Oak View; and we are looking forward to including parents and students for both presentations.

The Exit Exam and the STAR Assessment were implemented for both schools.

Open House was a success for all.

Staff Appreciation activities were fun; and thank you to our Board for the bagels!

OVHS Clean Teen students enjoyed an afternoon at the movies-with popcorn!

Respectfully submitted,

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Anthony W. Knight, Ed.D.  
Superintendent