Evergreen School District

Mailing Address
3188 Quimby Rd.
San Jose, CA 95148

District Offices
3188 Quimby Rd.
San Jose, CA 95148
(408) 270-6800
www.eesd.org

Hours of Operation (District Offices)
Monday – Friday, 7:30 a.m. – 4:30 a.m.

Visit Us Online
www.eesd.org
https://www.facebook.com/EvergreenSchoolDistrict/
twitter.com / @EvergreenESD

Board of Trustees
Jim Zito, President
Sylvia Alvarez, President Pro-Tem
Bonnie Mace, Clerk,
Leila Welch, Trustee
Balaji Venkatraman, Trustee

Superintendent
Katherine Gomez

Assistant Superintendent
Dan Deguara

Elementary Schools
Cadwallader (408) 270-4950
Cedar Grove (408) 270-4958
Carolyn Clark (408) 223-4560
Dove Hill (408) 270-4964
Evergreen (408) 270-4966
Holly Oak (408) 270-4975
Laurelwood (408) 270-4983
Tom Matsumoto (408) 223-4873
Millbrook (408) 270-6767
John J. Montgomery (408) 270-6718
Norwood Creek (408) 270-6727
Silver Oak (408) 223-4515
James F. Smith (408) 532-2150
Katherine Smith (408) 270-6751
Otis B. Whaley (408) 270-6759

Middle Schools
Chaboya (408) 270-6900
George V. LeyVa (408) 270-4992
Bulldog Tech @ LeyVa (408) 270-6710
Quimby Oak (408) 270-6735
Lobo School of Innovation @ QO (408) 270-6735

Evergreen School District
From strong roots grow bright futures

2017-18 Parent/Guardian Handbook

MISSION STATEMENT

Evergreen Elementary School District provides all students a high quality education in a safe and nurturing environment where each student demonstrates a spirit of respect, responsibility and a commitment to academic and civic excellence.

VISION STATEMENT

Evergreen Elementary School District, in partnership with the community, will be recognized at the local, state and national level as a model for excellence in academics, arts and the sciences.

BOARD OF EDUCATION GOALS

Promotes achievement for all students in a rigorous, 21st century learning environment of collaboration, communication, critical thinking and creativity.

Improve fiscal health.

Promote collaboration, transparency, and communication with students, parents, staff, and the broader community.

Attract, develop, and retain quality staff at all levels.

Enhance the climate of safety and wellness throughout the District.

Welcome to ESD!

The Evergreen School District Parent Handbook and Annual Parent Acknowledgement and Consent Form are available in English, Spanish, and Vietnamese at your school site upon request.

El Manual de Padres del Distrito Escolar de Evergreen y Reconocimiento Anual de Padres y Forma de Consentimiento están disponibles en Inglés, Español y Vietnamita en su escuela a la solicitud.

Quyển sổ tay của học khu Evergreen dành cho phụ huynh và sự tường tận hằng năm của phụ huynh và giấy chấp thuận đã có bằng tiếng Anh, Tây Ban Nha, và tiếng Việt tại trường của quý vị theo sự yêu cầu.

Evergreen School District

From strong roots grow bright futures

August 2017

Dear Parents/Guardians:

On behalf of the Evergreen School District Board of Trustees and District Staff, I would like to welcome you to the new school year. We take seriously our mission to "*provide all students a high quality education in a safe and nurturing environment where each student demonstrates a spirit of respect, responsibility and a commitment to academic and civic excellence*."

We are very proud of our work and we know that "*From Strong Roots Grow Bright Futures*." To this extent, we are committed to:

- Promoting achievement for all students in a rigorous 21st century learning environment of collaboration, communication, critical thinking and creativity
- Promoting collaboration, transparency and communication with students, parents, staff and the broader community
- Attracting, developing and retaining quality staff at all levels
- Enhancing the climate of safety and wellness throughout the District

I encourage you to visit our district website at www.eesd.org for more information about our District. It is our hope that our newly revised website will provide up-to-date, easy to access information at the click of a button.

The goal of this handbook is to provide students and their families legally required information regarding rights and responsibilities. Please take time to familiarize yourself with the information contained in this handbook. While you can use it as a resource to answer your questions, please feel free to ask any questions that you might have.

Each school year, all parents must complete the Annual Parent Acknowledgement and Consent Form at the back of this handbook. Detach the completed form along the perforated line and return to your student's school within 10 school days.

Sincerely,

Katherine Gomez

Katherine Gomez
Superintendent

Table of Contents

Important Dates……4
Parent Notice of Rights and Responsibilities: Evergreen School District Board Policy 5020 5
Parent Notice of Rights and Responsibilities.....8
Absence for Religious Exercises and Instruction 8
Comprehensive Sexual Health Education and HIV/AIDS Prevention Education.....8
Excuse From Instruction in Health 8
Administration of Medication.....8
Students on Medication 8
Immunizations 9
Physical Exams and Testing 9
Confidential Medical Services.....9
Medical Coverage for Injuries 9
Medical and Hospital Services Not Provided 9
Services for Students with Exceptional Needs or a Disability 9
No Academic Penalty for Excused Absence 10
Equal Opportunity.....10
Complaints (Special Education) 11
Release of Student Information 11
Inspection of Student Records 11
Family Educational Rights and Privacy Act.....12
Student Discipline.....12
Dissection of Animals.....13
Temporary Disability 13
Student Residency.....13
Attendance Options.....13
Sexual Harassment Policy 15
Special Education (E.C. 56040 et seq.) 15
Special Education – Due Process.....15
Section 504 Rehabilitation Act 15
Notice of Alternative Schools.....16
Nutrition Program 16
U.S. Department of Education Programs.....16
Availability of Insurance 17
Nondiscrimination in District Programs and Activities.....17

Uniform Complaint Procedures 17
Pupil-Free Staff Development Day and Minimum Day Schedule 20
Review of Curriculum 20
Child Find System; Policies and Procedures 20
School Accountability Report.....20
Asbestos Management Plan 21
Assistance to Cover Costs of Advanced Placement Examination Fees.....21
Every Student Succeeds Act (ESSA).....21
Children In Homeless Situations 22
Sex Equity In Career Planning.....22
Pesticide Products 23
Pupil Fees.....24
Notification of Rights Under FERPA for Elementary and Secondary Schools.....25
Evergreen School District Board Policy 3513.3; Tobacco Free Schools 26
Evergreen School District Board Policy 5116.1: Intradistrict Open Enrollment.....28
Evergreen School District Administrative Regulations 5116.1: Intradistrict Open Enrollment 29
Evergreen School District Board Policy 5117: Interdistrict Attendance 30
Evergreen School District Administrative Regulations 5117: Interdistrict Attendance 31
Evergreen School District Board Policy 5145.7: Sexual Harassment 32
Evergreen School District Administrative Regulations 5145.7: Sexual Harassment 32
Evergreen School District Board Policy 6163.4: Student Use Of Technology 36
Evergreen School District Administrative Regulations 6163.4: Student Use Of Technology 37
Healthy Schools Act of 2000 39
Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA) 40
College Admission Requirements and Higher Education Information 41
Child Abuse Reporting Guidelines And Procedures 42
Child Nutrition Services: Free and Reduced Lunch Program 43
Release of Directory Information 44
2017-18 Evergreen School District Calendar……45
Annual Parent Acknowledgement……..,46
Permission to Photograph & Consent Form for Signature……..Last Page

Evergreen School District

From strong roots grow bright futures

Important Dates for 2017-18 School Calendar

August 23 – Opening Day	December 25 to January 5 – Winter Break
September 4 – Labor Day (no school)	January 15 – Martin Luther King (no school)
September 28 – Staff Development Day (no school)	February 19 to 23 – President's Holiday (no school)
November 10 – Veterans Day (no school)	March 30 to April 6 – Spring Break (no school)
November 15 – Conference Day (no school)	May 28 – Memorial Day (no school)
November 20 to 24 – Thanksgiving Holiday	June 14 – Closing Day

Middle Schools Minimum Days

September 14
October 12
January 11
February 8
May 23

Board of Trustees Meeting Dates

July 13	January 11
August 10	February 8
September 21	March 8
October 12	April 12
November 9	May 10
December 14	June 14

Back To School Nights

Cadwallader – September 7	Tom Matsumoto – September 7
Carolyn Clark – September 7	Millbrook – September 7
Cedar Grove – September 7	Montgomery – September 7
Dove Hill – September 7	Norwood Creek – September 7
Evergreen – September 7	O.B. Whaley – September 20
Holly Oak – September 7	Silver Oak – September 6
J.F. Smith – September 7	Chaboya – September 13
K. Smith – September 7	LeyVa & Bulldog Tech – September 13
Laurelwood – September 7	Quimby Oak & LSI – September 13

Open House Dates

Cadwallader – May 17	Tom Matsumoto – April 19
Carolyn Clark – May 17	Millbrook – May 17
Cedar Grove – May 17	Montgomery – April 26
Dove Hill – April 26	Norwood Creek – May 17
Evergreen – May 17	O.B. Whaley – April 19
Holly Oak – April 18	Silver Oak – May 24
J.F. Smith – April 26	Chaboya – April 18
K. Smith – May 21	LeyVa & Bulldog Tech – April 18
Laurelwood – April 26	Quimby Oak & LSI – April 18

Important Notice

Dates are subject to change.

The forms on the back part of the packet will need to be reviewed by the parent/guardian and return with each student within one week of receiving this packet.

Parent Notice of Rights and Responsibilities: Evergreen School District Board Policy 5020

The Board of Trustees recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled. (Education Code 51101)

   Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal. (Education Code 51101)

3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. (Education Code 51101)

4. To be notified on a timely basis if their child is absent from school without permission. (Education Code 51101)

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests. (Education Code 51101)

   For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

6. To request a particular school for their child and to receive a response from the district. (Education Code 51101)

7. To have a school environment for their child that is safe and supportive of learning. (Education Code 51101)

8. To examine the curriculum materials of the class(es) in which their child is enrolled. (Education Code 51101; 20 USC 1232h)

   Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, tapes and software. (Education Code 49091.10)

   Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)

   The school may charge an amount not to exceed the cost of duplication. (Education Code 49091.14)

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child. (Education Code 51101)

10. For parents/guardians of English learners, to support their child's advancement toward literacy. (Education Code 51101.1)

    The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts. (Education Code 51101.1)

12. To have access to the school records of their child. (Education Code 51101)

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish. (Education Code 51101)

14. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school. (Education Code 51101)

15. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision. (Education Code 51101)
    AR 5020(c)

16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test. (Education Code 51101)

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information. (Education Code 49091.18; 20 USC 1232h)

18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations. (Education Code 51101)

    For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)

19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school. (Education Code 51101)

20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

Parents/guardians may support the learning environment of their child by: (Education Code 51101)

1. Monitoring attendance of their child

2. Ensuring that homework is completed and turned in on time

3. Encouraging their child to participate in extracurricular and co-curricular activities

4. Monitoring and regulating the television viewed by their child

5. Working with their child at home in learning activities that extend the classroom learning

6. Volunteering in their child's classroom(s) or for other school activities

7. Participating in decisions related to the education of their own child or the total school program as appropriate.

Parent Notice of Rights and Responsibilities

State law requires that parents or guardians be notified of their rights and responsibilities in certain matters pertaining to their children's education.

Absence for Religious Exercises and Instruction

Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)

Comprehensive Sexual Health Education and HIV/AIDS Prevention Education

A parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education. A parent or guardian who wishes to exercise this right must state their request in writing. (Ed. Code, § 51938) A parent or guardian may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them with a copy of the California Healthy Youth Act (Ed. Code section 51930 et. seq).

Parents or guardians shall be notified in writing if the District plans to administer an anonymous, voluntary, and confidential test, questionnaire, or survey containing age-appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 to 12 and given the opportunity to review the test, questionnaire or survey. A Parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing. (Ed. Code, § 51938).

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

Excuse from Instruction in Health

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

Administration of Medication

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

Students on Medication

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

Immunizations

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

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

Physical Exams and Testing

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

Confidential Medical Services

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

Medical Coverage for Injuries

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

Medical and Hospital Services Not Provided

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

Services for Students with Exceptional Needs or a Disability

State and federal law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of pupil services for specific information. (Ed. Code, § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. §104.32) The District official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone:

Gary Kishimoto, Director of Pupil Services
3188 Quimby Road
San Jose, CA 95148
408-270-6840

No Academic Penalty for Excused Absence

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

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

- Due to the pupil's illness.
- Due to quarantine under the direction of a county or city health officer.
- For the purpose of having medical, dental, optometric, or chiropractic services rendered.
- For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- For the purpose of jury duty in the manner provided for by law.
- Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- For justifiable personal reasons, including but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
- For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

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

For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

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

Equal Opportunity

Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972.) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed below at the following address and telephone:

Dan Deguara, Assistant Superintendent or
Carole Schmitt, Director, Human Resources
3188 Quimby Road
San Jose, CA 95148
408-270-6800

Complaints (Special Education)

Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services (Cal. Code Regs., tit. 5, § 4630). To file a complaint, write a description of the manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations and file with the District official listed below at the following address and telephone:

Gary Kishimoto, Director, Pupil Services
3188 Quimby Road
San Jose, CA 95148
408-270-6840

Release of Student Information

The District does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the District in writing not to release such information:

Name, address, telephone, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073, 20 U.S.C. § 1232g, 34 C.F.R. § 99.7) In accordance with state and federal law, the District may also make available photographs, videos, and class rosters.

Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed. Code, § 49073(c), 20 U.S.C. § 1232g, 42 U.S.C. § 11434a(2))

Inspection of Student Records

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

- A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.
- Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.
- A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.

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

- Inaccurate.
- An unsubstantiated personal conclusion or inference.
- A conclusion or inference outside of the observer's area of competence.
- Not based on the personal observation of a named person with the time and place of the observation noted.
- Misleading.
- In violation of the privacy or other rights of the pupil.

Within thirty (30) days, the Superintendent or designee shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District, and sustain or deny the allegations. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the Superintendent denies the allegations, the parent may appeal the decision to the Board of Trustees within thirty (30) days. The Board shall determine whether or not to sustain or deny the allegations. If the Board sustains the allegations, it shall order the Superintendent to immediately correct, remove or destroy the information from the written records of the student. (Ed. Code, § 49070)

If the final decision of the Board is unfavorable to the parents, or if the parent accepts an unfavorable decision by the District Superintendent, the parent shall have the right to submit a written statement of objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed.

Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code sections 49070-49071 to assist in the decision making. The decision as to whether a hearing panel is to be used shall be made at the discretion of the Superintendent or the Board and not of the challenging party.

- A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. Student Records Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code, § 49064)
- School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. "School officials and employees" are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent or student whose access to student records is legally authorized. A "legitimate educational interest" is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5, 20 U.S.C. § 1232g)
- Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
- Parents and guardians will be charged ten (10) cents per page for the reproduction of student records.
- Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g(g))

Parents may obtain a copy of the District's complete student records policy by contacting the Superintendent.

Family Educational Rights and Privacy Act

Parents have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying parents of these rights is attached.

Student Discipline

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

Dissection of Animals

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

Temporary Disability

A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. (Ed. Code, §§ 48206.3, 48207, 48208, 48980(b))

Student Residency

A student may be enrolled in the District if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code, §48200); (2) the District has approved interdistrict attendance (Ed. Code, § 46600; (3) the student is placed in a regularly established children's institution, licensed foster home, or family home; (4) the student is a foster child who remains in his or her school of origin pursuant to Education Code Section 48853.5(f) and (g); (5) the student is emancipated and lives within the District; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the District; or (8) the student's parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week. (Ed. Code, § 48204). The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week. (Ed. Code, §48204). A student also complies with the residency requirements for school attendance in a school district if he or she is a student whose parent is transferred or pending transfer to a military installation within the boundaries of the school district while on active duty pursuant to an official military order. (Ed Code § 48204.3)

Attendance Options

All districts must inform parents at the beginning of the school year how to enroll in a school within the district that is different than the one assigned. Students who attend schools other than those assigned by the district are referred to as "transfer students" throughout this notification. There is one process for choosing a school within the district which the parent lives (intradistrict transfer), and separate processes for selecting schools in other districts (interdistrict transfer). (Ed. Code, § 48980(h)) There is also a process under the Open Enrollment Act for students enrolled in "low-achieving schools," as identified annually by the State Superintendent of Public Instruction. (Ed. Code, § 48350 et seq.)

Attached is a copy of the District's Policy of Interdistrict and Intradistrict Transfers (School Choice). Parents interested in interdistrict or intradistrict transfers should contact Dan Deguara, Director, Educational Services. The general requirements and limitations of each process are described as follows:

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

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be "random and unbiased," which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer.
- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- A district is not required to provide transportation assistance to a student that transfers to another school in the district under these provisions.
- If a transfer is denied, a parent does not have an automatic right to appeal the decision.

Choosing a School Outside the District in Which Parent Lives:
Parents have two different options for choosing a school outside the district in which they live. The two options are:

Interdistrict Transfers (Ed. Code, §§ 46600–46611): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. The law on interdistrict transfers also provides for the following:

- Once a pupil is enrolled in a school pursuant to an interdistrict transfer agreement, the pupil must be allowed to continue to attend the school in which he or she is enrolled without reapplying, unless revocation of the interdistrict transfer is a term and condition of the agreement between the districts; however, a district must not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.
- Upon request, a pupil determined to be the victim of an act of bullying by a pupil of the district of residence must be given priority for interdistrict attendance under any existing interdistrict attendance agreement or additional consideration for the creation of an interdistrict attendance agreement. (Ed. Code, §§ 46600(b), 48900(r))
- If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.
- A school district of residence shall not prohibit the transfer of a student who is a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the transfer application. (Ed Code, § 46600(d))

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

- Either the district in which the parent (or legal guardian) lives or the district in which the parent (or legal guardian) physically works may prohibit the student's transfer if it is determined that there would be a negative impact on the district's desegregation plan.
- The district in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the district would receive for educating the student.

- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.

Applying to Attend a School under the Open Enrollment Act: The Open Enrollment Act allows the parent of a pupil enrolled in a "low-achieving school" to submit an application, during the Open Enrollment window, for the pupil to transfer to another public school served by the school district of residence or another school district. (Ed. Code, § 48350 et seq.) The parent must submit an application requesting a transfer to the school district in which the parent does not reside, but in which the parent intends to enroll the pupil. With some exceptions, the application must be submitted prior to January 1 of the school year before the school year for which the pupil is requesting a transfer. Both of the school districts from which and to which the parent has applied to transfer may prohibit or limit pupil transfers if the transfer would negatively impact a court-ordered or voluntary desegregation plan or the rachial/ethnic balance of the district. Additionally, the school district in which the parent does not reside, but in which the parent intends to enroll the pupil may adopt specific, written standards for acceptance and rejection of applications pursuant to the Open Enrollment Act. (Ed. Code, § 48356)

Transferring a Student Convicted of a Felony/Misdemeanor: Education Code section 48929 authorizes the governing board of a school district to transfer a student enrolled in the district who has been convicted of a violent felony as defined in Penal Code section 667.5 or misdemeanor listed in Penal Code section 29805 to another school within the district when the student and victim of the crime are enrolled in the same school. The governing board must first adopt a policy at a regular meeting and provide notice of the policy to parents or guardians as part of the annual parent notifications under Education Code section 48980. The policy must: 1) require notice to the student and student's parent or guardian of the right to request to meet with the principal or designee of the school or school district; 2) require the school to first attempt to resolve the conflict before transfer by using restorative justice, counseling, or other services; 3) include whether the transfer decision is subject to periodic review and include the procedure to conduct the review; and 4) provide the process the board will use to consider and approve or disapprove the recommendation of the school principal or other school or school district designee to transfer the student.

Sexual Harassment Policy

Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the District's policy on sexual harassment is attached. (Ed. Code, §§ 231.5, 48980(g))

Special Education (E.C. 56040 et seq.)

School specialists are available to assess children with disabilities or children suspected of having a disability. If you suspect, or know of a child with a possible developmental delay or learning disability, who is not in school, or is not receiving assistance, please call the Director of Pupil Services at (408) 270-6840. If a child is an "individual with exceptional needs," special education is available at no cost to the parent.

Special Education – Due Process

A parent, or an educational agency, may initiate a due process hearing on any decision regarding the pupil's identification, evaluation, educational placement, or the provision of a free, appropriate public education. A request for a hearing must be filed, in writing, to the State Superintendent of Public Instruction and to the Evergreen School District. Additional information regarding this process may be obtained by contacting the Director of Pupil Services at (408) 270-6840.

Section 504 Rehabilitation Act

Certain students, with medical or physical conditions, may qualify for services under Section 504 of 1973 Rehabilitation Act. Information regarding those qualifications may be obtained from the District 504 Coordinator, Director of Pupil Services, at (408) 270-6840.

Notice of Alternative Schools

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

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

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for parent information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district. (Ed. Code, § 58501)

Nutrition Program

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

U.S. Department of Education Programs

The following applies <u>only</u> to programs directly funded by the U.S. Department of Education:

- All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.
- No student shall be required, as part of any applicable U.S. Department of Education funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:
  - political affiliations or beliefs of the student or student's parents:
  - mental and psychological problems of the student or his/her family;
  - sex behavior or attitudes;
  - illegal, anti-social, self-incriminating or demeaning behavior;
  - critical appraisals of other individuals with whom respondents have close family relationships;
  - legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - religious practices, affiliations, or beliefs of the student or student's parent; or
  - income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

  (20 U.S.C. § 1232h)

Availability of Insurance

Insurance underwritten by the National Union Fire Insurance Company is available to all students. More information about the benefits and the application form can be accessed via Internet at www.studentinsuranceusa.com. On the left hand column of the home page, click on "K12 Plans," and then "Benefits." Claim forms can also be accessed from this site. You may also request a copy of the information from your school office. If you have questions about the various plans, a Student Insurance representative is available at (800) 367-5830. The application is mailed directly to Student Insurance at 11661 San Vicente Boulevard, Suite 200, Los Angeles, CA 90049.

Healthy Families is low cost insurance for children and teens. It provides health, dental and vision coverage to children who do not have insurance and do not qualify for free Medi-Cal. Eligibility for the program is determined by family income, number of people in the family, and age of children. For more information visit http://www.healthyfamilies.ca.gov.

Nondiscrimination in District Programs and Activities

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

Uniform Complaint Procedures

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:
State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)

Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed. Code, § 32261.) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), nationality (includes citizenship, country of origin and national origin), race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq., 66260–66269, Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq., 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. § 12101 et seq., 34 C.F.R. § 106.9) The District prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion.

The District's Uniform Complaint Procedure may be used in cases where individuals or a group have suffered discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650, Ed. Code, § 234 et seq., 48900(r).)

- Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(b)(1))
- Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)
- Complaints must usually be filed with the (superintendent or designee of the District

- Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the district superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

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

- Written complaints may be made regarding:
  - Adult Basic Education
  - Consolidated Categorical Aid Programs
  - No Child Left Behind Programs, including improving academic achievement, compensatory education, limited English proficiency
  - Migrant Education
  - Career Technical Education
  - Child Care and Development
  - Child Nutrition
  - Special Education
  - "Williams Complaints"
  - Pupil Fees
  - Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
  - Course Assignments
  - Physical Education Instructional Minutes
  - Foster Youth, Homeless and former Juvenile Court School Student Services
  - Regional Occupational Centers and Programs

(Cal. Code Regs., tit. 5, §§ 4610(b), 4630, Ed. Code, §§ 222, 35186, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1, 51228.2, 51228.3, 52060-52075, and 52334.7.)

Any individual, public agency or organization has the right to file a written complaint alleging that the District has violated a federal or state law or regulation governing any program listed in items 1-15 above (Cal. Code Regs. tit. 5, § 4630 (b)(1))

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

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

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

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

1. Insufficient textbooks and instructional materials;
2. Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils; or
3. Teacher vacancy or misassignment.

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

Pupil Fees Complaints: A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed no later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Responsible Official: The District official responsible for processing complaints is listed below at the following address:

Charles Crosby, Director, Communications and Community Engagement
Evergreen School District
3188 Quimby Rd., San Jose, CA 95148

Complaints Made Directly to the State Superintendent:

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

(Cal. Code Regs., tit. 5, §§ 4630, 4650)

Appeals:

- Except for Williams Complaints, a complainant may appeal the District's decision to the California Department of Education. (Ed. Code, § 262.3(a), Cal. Code Regs., tit. 5, § 4632)
  - Appeals must be filed within fifteen (15) days of receiving the District decision.
  - Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.
  - Appeals must include a copy of the original complaint and a copy of the District decision.

- Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.
- If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District must provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

- If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
  - Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
  - The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

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

Pupil-Free Staff Development Day and Minimum Day Schedule

A copy of the District's pupil-free staff development day and minimum day schedules is attached for reference. Thursdays, beginning the second Thursday of the school year, have been designated as minimum days for students in grades 1-6. A pupil's parent or guardian will be notified during the school year of any additional minimum days, changes to minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, §48980(c))

Review of Curriculum

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

Transitional Kindergarten:

A school district or charter school may admit a child, who will have his/her fifth birthday after December 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if:

(a) the governing board or body determines that the admittance is in the best interests of the child, and

(b) the parent/guardian is given information on the advantages and disadvantages and any other e explanatory information on the effects of early admittance. (Ed. Code, § 48000)

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

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

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

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

Every Student Succeeds Act (ESSA): The California Department of Education is in the process of transitioning from the requirements of the No Child Left Behind Act to the new Every Student Succeeds Act. Both of these laws modify the Elementary and Secondary Education Act of 1965 (ESEA). New provisions will apply in the 2017-2018 school year. Updates are provided by the California Department of Education, the following parent notice requirements may change and new notice requirements may be added.

- Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides: Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the teacher's college major, whether he/she has any advanced degrees and the subject(s) of those degrees, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. (Section 1111(h)(6)(A) of the ESEA, as amended by NCLB)
- Information Regarding Individual Student Reports on Statewide Assessments: Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student. (20 U.S.C. § 6311(h)(6))
- Limited English Proficient Students: The Act requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, ~~including~~ not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs; how the recommended program will meet the student's needs; the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable, and; parent options for removing a student from a program and/or declining initial enrollment. (20 U.S.C. § 6312(g)(1)(A))
- Program Improvement Schools: Parents shall be notified when their child's school is identified a "program improvement" school. Parents must be notified as to what the identification means, how the school compares to other District schools, the reasons for the identification, how the low achievement is being addressed by the school, District, or State, and how the parents can be involved. The parents must also be notified about the opportunities for school choice and supplemental instruction.
  (Section 3302(a) of the ESEA, as amended by NCLB)

The information provided above is available upon request from each child's school or the district office. Additional notices that may be required under the No Child Left Behind Act shall be sent separately. (20 U.S.C. §§ 6301 et seq.)

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

Children In Homeless / Foster Care Situations and Former Juvenile Court School Students:
Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5, 42 U.S.C. § 11432(g)(1)(J)(ii))

A district serving a homeless child must allow the child to continue his/her education in the school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the district must allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the district must allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels must be allowed to continue in the school district of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school is required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency. (Ed. Code,§ 48852.7)

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

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

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

The district shall exempt from local graduation requirements a student in foster care or a student who is a homeless child or youth or who is former juvenile court school student and who transfers between schools under certain circumstances. (Ed. Code, §51225.1)

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

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

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

Pesticide Products
All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The table below provides the name of each pesticide product and the active ingredient(s). You can find more information regarding these pesticides/herbicides and pesticide use reductin at the Department of Pesticide Regulation's website at http://www.cdpr.ca.gov. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, he or she must complete the attached form and return it to his or her child's school. A copy of the integrated pest management plan for the school site or District may be provided on the school website or viewed at the school office. (Ed. Code, §§ 48980.3, 17612)

PE Instructional Minutes: The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school must include physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

Course Assignments: A school district is prohibited from assigning a student enrolled in any of grades 9 through 12 to any course period without educational content for more than one week in any semester, except under specified conditions. Under no circumstances can a district assign a student enrolled in any of grades 9 through 12 to a course period without educational content because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.1)

A school district is prohibited from assigning a student enrolled in grades 9 through 12 to a course that the student has previously completed and received a grade determined by the district to be sufficient to satisfy the requirements and prerequisites for admission to the California public post-secondary schools and the minimum high school graduation requirements, except under specified conditions. Under no circumstances can a district assign a student enrolled in any of grades 9 through 12 to a course the student has previously completed and received a sufficient grade, as specified, because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.2)

These sections do not apply to students in alternative schools, community day schools, continuation high schools or an opportunity school. A district may continue to authorize dual enrollment in community college, to run evening high school programs, to offer independent study, work experience education, and other specified courses.

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 51228.3)

Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs: A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate. (Ed. Code, § 52334.7)

A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Code section 52501 or regional occupational centers and programs may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office's participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

Pupil Fees

A pupil enrolled in a public school must not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)

- The following requirements apply to prohibited pupil fees:
  - All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
  - A fee waiver policy shall not make a pupil fee permissible.
  - School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
  - A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.
  - Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. School districts, schools, and other entities are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 49013)

Notification of Rights Under FERPA for Elementary and Secondary Schools

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

- The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.
- Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- The right to request amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
- Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
- If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise the parent or eligible student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Trustees; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
- A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- Upon request, the school discloses education records, without prior consent, to officials of another school district in which a student seeks or intends to enroll.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

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

Business and Noninstructional Operations

BP 3513.3

TOBACCO-FREE SCHOOLS

The Board of Trustees recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

Legal Reference:

EDUCATION CODE
48900 Grounds for suspension/expulsion
48901 Prohibition against tobacco use by students
HEALTH AND SAFETY CODE
39002 Control of air pollution from nonvehicular sources
104350-104495 Tobacco use prevention, especially:
104495 Prohibition of smoking and tobacco waste on playgrounds
119405 Unlawful to sell or furnish electronic cigarettes to minors
LABOR CODE
3300 Employer, definition
6304 Safe and healthful workplace
6404.5 Occupational safety and health; use of tobacco products
UNITED STATES CODE, TITLE 20
6083 Nonsmoking policy for children's services
7100-7117 Safe and Drug Free Schools and Communities Act
CODE OF FEDERAL REGULATIONS, TITLE 21
1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

Revised: October 1, 2014
Policy
adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT
San Jose, California

TOBACCO-FREE SCHOOLS

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property

2. Request local law enforcement assistance in removing the person from school premises

3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

Revised: October 1, 2014
Regulation
approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT
San Jose, California

Evergreen School District Board Policy 5116.1: Intradistrict Open Enrollment

The Board of Trustees desires to provide enrollment options that meet the diverse needs and interests of district students and parents/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.

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. (Education Code 35160.5)

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

Enrollment Priorities

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

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

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

2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)

3. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992)

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

5. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances, include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student.

   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, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist

   b. A court order, including a temporary restraining order and injunction

6. Any sibling of a student already in attendance in that school.

7. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and policy, parents/guardians are notified that applications for intradistrict open enrollment shall be submitted during the transfer request window during the school year preceding the school year for which the transfer is requested.

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

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

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

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.

2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.

3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.

4. Approved applicants must confirm their enrollment within 10 school days.

Once enrolled, a student shall not be required to reapply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

2. Program options offered within local attendance areas

3. A description of any special program options available on both an interdistrict and intradistrict basis

4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied

5. A district application form for requesting a change of attendance

6. The explanation of attendance options under California law as provided by the CDE

Evergreen School District Board Policy 5117: Interdistrict Attendance

The Board of Trustees recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

Interdistrict Attendance Permits

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

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

Transportation

The district shall not provide transportation beyond any school attendance area.

Limits on Student Transfers Out of the District to a School District of Choice

The Superintendent or designee may limit the number of student transfers out of the district to a school district of choice based on the percentages of average daily attendance specified in Education Code 48307.

In addition, transfers out of the district may be limited during a fiscal year when the County Superintendent of Schools has given the district a negative budget certification or when the County Superintendent has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice. (Education Code 48307)

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

Evergreen School District Administrative Regulations 5117: Interdistrict Attendance

Interdistrict Attendance Permits

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance.

The Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. When the student has been determined by staff of either the district of residence or district of proposed attendance to be a victim of an act of bullying as defined in Education Code 48900(r). Such a student shall be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, shall be given consideration for the creation of a new permit. (Education Code 46600)

2. To meet the child care needs of the student. Such a student may be allowed to continue to attend district schools only as long as he/she continues to use a child care provider within district boundaries.

3. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel.

4. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance.

5. To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year.

6. To allow the student to remain with a class graduating that year from an elementary, or middle school.

7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district.

8. When the student will be living out of the district for one year or less.

9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.

10. When there is valid interest in a particular educational program not offered in the district of residence.

11. To provide a change in school environment for reasons of personal and social adjustment.

An interdistrict attendance permit is renewed annually. Each permit shall stipulate the terms and conditions established by both districts under which interdistrict attendance shall be permitted, denied, or revoked, and any standards for reapplication.

The Superintendent or designee may deny requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary.

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

Evergreen School District Board Policy 5145.7: Sexual Harassment

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

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

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

Complaint Process

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

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

Disciplinary Actions

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

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)

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

Evergreen School District Administrative Regulations 5145.7: Sexual Harassment

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

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

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

School-Level Complaint Process/Grievance Procedure

Complaints of sexual harassment, or any behavior prohibited by the district's Nondiscrimination/Harassment policy - BP 5145.3, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

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

2. **Initiation of Investigation:** The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five (5) school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

   If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

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

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

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

   When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

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

7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:
   a. Statements made by the persons identified above
   b. The details and consistency of each person's account
   c. Evidence of how the complaining student reacted to the incident
   d. Evidence of any past instances of harassment by the alleged harasser
   e. Evidence of any past harassment complaints that were found to be untrue

   To judge the severity of the harassment, the Coordinator/Principal may take into consideration:
   a. How the misconduct affected one or more students' education
   b. The type, frequency, and duration of the misconduct
   c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
   d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
   e. The size of the school, location of the incidents, and context in which they occurred
   f. Other incidents at the school involving different students

8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

   The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

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

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
5. Taking appropriate disciplinary action

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

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites. (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session. (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct. (Education Code 231.5)

STUDENT USE OF TECHNOLOGY

The Board of Trustees intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred.

The Superintendent or designee shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances.

Use of District Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Legal Reference:

EDUCATION CODE
51006 Computer education and resources
51007 Programs to strengthen technological skills
51870-51874 Education technology
60044 Prohibited instructional materials
PENAL CODE
313 Harmful matter
502 Computer crimes, remedies
632 Eavesdropping on or recording confidential communications
653.2 Electronic communication devices, threats to safety
UNITED STATES CODE, TITLE 15
6501-6506 Children's Online Privacy Protection Act
UNITED STATES CODE, TITLE 20
6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:
6777 Internet safety
UNITED STATES CODE, TITLE 47
254 Universal service discounts (E-rate)
CODE OF FEDERAL REGULATIONS, TITLE 16
312.1-312.12 Children's Online Privacy Protection Act
CODE OF FEDERAL REGULATIONS, TITLE 47
54.520 Internet safety policy and technology protection measures, E-rate discounts

Policy **EVERGREEN SCHOOL DISTRICT**
adopted: March 21, 2013 San Jose, California
Instruction

STUDENT USE OF TECHNOLOGY

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the district's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

Online/Internet Services: User Obligations and Responsibilities

Students are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below, and the district's Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.

2. Students shall use the district's system safely, responsibly, and primarily for educational purposes.

3. Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene,disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

   Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using email, chat rooms, or other forms of direct electronic communication. Students also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

   Personal information includes the student's name, address, telephone number, Social Security number, or other personally identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.

6. Students shall not use the system to engage in commercial or other for-profit activities.

7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.

8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.

9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."

10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.

11. Students shall report any security problem or misuse of the services to the teacher or principal.

The district reserves the right to monitor use of the district's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the district for the purpose of ensuring proper use.

Whenever a student is found to have violated Board policy, administrative regulation, or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

Cyberbullying - Includes the posting of harassing messages, direct threats, social cruelty, or other harmful text or images on the Internet, social networking sites, or other digital technologies, as well as breaking into another person's account and assuming that person's identity in order to damage that person's reputation or friendships.

Filtering - District has the right, to the extent required by law, to place reasonable restrictions on the material accessed or posted through the system.

Media Publishing - All published media must follow district guidelines and is subject to review.

Plagiarism - Students will not plagiarize works. Plagiarism is taking the ideas or writings of others and presenting them as if they were their own.

Copyright Infringement - Students will respect the rights of copyright owners. Copyright infringement occurs when a work, software, music, video, etc. that is protected by a copyright is inappropriately reproduced. Students should ask their teacher and request permission from the copyright owner if they are unsure whether or not they can use a work.

Services - The district makes no guarantee that the functions of the services provided by or through the district system will be error-free or without defect. The district will not be responsible for any damage suffered, including but not limited to, loss of data or interruption of service.

Consequences - The use of technology in district is a privilege, not a right. In addition to any criminal and civil penalties, students are also subject to school discipline for technology-related offenses.

Healthy Schools Act of 2000

Notice to all students, parents/guardians and employees of the Evergreen School District:

Assembly Bill 2260 went into effect on January 1, 2001. This legislation enacted Education Code sections 17608 et seq. which require, among other things, that school districts notify parents and staff about the use of pesticides at school. The purpose of this legislation is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

The Evergreen School District expects to use the following pesticides at its campuses during the upcoming year:

Pesticide/Herbicide	E.P.A. Reg. Number	Active Ingredient(s)
Round Up	524-475	Glyphosate
Turflon	17545-8	Triclopyr
Surflan	70506-44	Olyzalin & Dipropysulfanilamide
Termidor	7969-210	Fipronil
Tenguard		Permethrin
Suspend		Deltamethrin
Eco Excempt	N/A	Rosemary Oil, Peppermint Oil
Tempo	432-1377	Cufluthrine
Gentrol IGR Concentrate	2724-351	Hydroprene
Maxforce Ant Bait	64248-10	Fipronil
Contrac Rodent Bait	12455-79	Bromadiolone
Pre-cor		Methoprene
Maxforce Roach Bait		Fipronil
Eco Exempt G	N/A	Clove Oil, Thyme Oil
Avert	499-294	Abamectin B1
DuPont Advion Ant Gel	352-746	Indoxcarb
DuPont Advion Roach Bait	352-652	Inoxacarb
CB-80 Extra	9444-175	Pyrethrins
EcoExempt Jet	N/A	2-Phenethyl Proplonate, Rosemary Oil
Gentrol Point Source	2724-469	Hydroprene
Wasp-Freeze	499-362	d-trans Allethrin, Phenothrin
Talpirid	12455-101	Bromethalin
Vendetta Roach Bait	1021-2593	Abamectiv

Parents/guardians of the Evergreen School District can register with the District's designee,

Rick Navarro, Director of Operations
Telephone: 408-270-6800 / Email: rnavarro@eesd.org

to receive notification of individual pesticide applications. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department's web-site at www.cdpr.ca.gov.

Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)--

   - Political affiliations or beliefs of the student or student's parent;
   - Mental or psychological problems of the student or student's family;
   - Sex behavior or attitudes;
   - Illegal, anti-social, self-incriminating, or demeaning behavior;
   - Critical appraisals of others with whom respondents have close family relationships;
   - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
   - Religious practices, affiliations, or beliefs of the student or parents; or
   - Income, other than as required by law to determine program eligibility.

2. Receive notice and an opportunity to opt a student out of:
   - Any other protected information survey, regardless of funding;
   - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
   - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

3. Inspect, upon request and before administration or use --
   - Protected information surveys of students;
   - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
   - Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Evergreen School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Evergreen School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Evergreen School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Evergreen School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.
- Parents/eligible students who believe their rights have been violated may file a complaint with:

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

College Admission Requirements and Higher Education Information

University of California/California State University
Minimum College Admissions Requirements:

"A-G" Courses	Subject	CSU/UC Requirements
A	History/Social Science	2 years required
B	English	4 years required
C	Mathematics	3 years required (e.g., Algebra, Geometry and Calculus), 4 years recommended
D	Laboratory Science	2 years required (e.g., Biology, Chemistry and Physics), 3 years recommended
E	Language Other Than English	2 years required, 3 years recommended
F	Visual and Performing Arts (VPA)	1 year required
G	College-Preparatory Elective	1 year required

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

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

Dan Deguara, Assistant Superintendent
Telephone: 408-270-6827 / Email: ddeguara@eesd.org

Child Abuse Reporting Guidelines And Procedures

The following information will assist parents and guardians in determining whether or not child abuse has occurred and, if so, how to file a complaint of child abuse with local law enforcement. This information has been taken from the California Child Abuse and Neglect Reporting Act in the California Penal Code and from sections of the California Education Code.

Child Abuse Can Be Any of the Following:

- A physical injury which is inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child, such as:
    - The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person;
    - The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
    - The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

Child Abuse Does *Not* Include:

- A mutual fight between minors;
- An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or
- An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
    - To stop a disturbance threatening physical injury to people or damage to property;
    - For purposes of self-defense;
    - To obtain possession of weapons or other dangerous objects within control of a pupil; or
    - To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

How to File a Complaint of Child Abuse Committed at a School Site

Parents and guardians of pupils have the right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. To file a complaint, the parent or guardian must file a formal report with an appropriate local law enforcement agency. An appropriate law enforcement agency may be one of the following:

- A Police or Sheriff's Department (not including a school district police department or school security department)
- A County Probation Department if designated by the county to receive child abuse reports, or
- A County Welfare Department/County Child Protective Services.

The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school district or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations.

The local law enforcement agency is required to investigate all complaints.

In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed by the parent or guardian with the California Department of Education (CDE) according to Title 5 of the California Code of Regulations Section 4650(a)(vii)(c). The CDE does not, however, investigate allegations of child abuse but rather investigates the conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child or children or which may result in denial of a free and appropriate public education.

If the complaint of child abuse is "substantiated" or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the local school district or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records.

In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code Section 11169 and notice will be provided to the alleged child abuser that he or she has been reported to the Child Abuse Central Index, as maintained by the Department of Justice.

Child Nutrition Services: Free and Reduced Lunch Program

The Child Nutrition Department takes pride in serving meals that are healthy and well-balanced and provide students all the nutrition they need to succeed at school. We look forward to welcoming your children to the cafeteria this year.

The Evergreen School District takes part in the National School Lunch Program at all sites. The School Breakfast Program is available at Dove Hill, Holly Oak, Katherine Smith (Breakfast in the Classroom Program), Montgomery, and O.B. Whaley Elementary Schools and LeyVa and Quimby Oak Middle Schools. Lunch is served every school day at participating schools. Students may buy lunch for $3.50 and/or breakfast for $2.00. Eligible students may receive meals free or at a reduced-price of 40¢ for lunch and/or 20¢ breakfast. Students may also buy milk, 100% juice and bottled water for 75¢. Check the menu for additional snack items available for purchase.

The goal of Evergreen School District's breakfast and lunch program is to provide healthy meals to children during the school day. In effort to keep a positive dining environment and treat all students with respect and dignity, students will be allowed to receive their meal on credit at the Elementary level. No credit is extended at Middle Schools, or for a la carte purchases.

However, in order to serve healthy, high quality meals to all children, we must make sure we are financially secure. You play a key role in this effort and are responsible for purchases made by your child in our school cafeteria.
(To read the full Meal Charging Procedure visit www.eesd.org/CNS).

Evergreen School District has many simple payment options for you to choose from. No matter which payment option you choose, **please remember that the current negative balance must be paid as soon as possible.**

- Pay Online: Visit www.myschoolbucks.com to make payments, set up low balance alert emails, and track transactions safely and securely anytime.
- Pay at your child's school: Your student may pay cash or check when they are in the cafeteria. Dropping off your student at school? Pre-payments can also be left at the school office during normal business hours. Checks should be made payable to CNS and please include your child's name and room # when sending in a payment.

If your child receives a meal on credit, you will be notified with:

- A verbal reminder to student
- Automated telephone call home and an email will be sent to the parent
- In case of significant delinquent payments, a letter will be sent home from the Child Nutrition Services department and your debt may be turned over to a collection agency

Families may qualify for free or reduced price meals by completing an application. You can submit your application online at Evergreen.heartlandapps.com. This process is quick, secure, and private. A new application must be submitted every year. Instructions will be mailed to the households of all students before the current school year. No paper applications will be mailed home. Applications are also available in English, Spanish and Vietnamese at the office in each school, online at www.eesd.org, and at the Child Nutrition Services Office located at 2828 Corda Drive, San Jose, CA 95122. The deadline for the 2017-18 school year is ***Thursday, October 5, 2017***. If your application is not received and processed prior to the expiration date your student will revert to paid status.

Applications may be submitted at any time during the school year and families can reapply at any time. Families are especially encouraged to submit a new application if they experience a decrease in household income, become unemployed, have an increase in family size, or qualify for Food Stamps, CalWorks, MediCal, KinGap or FDPIR. The information households provide on the application will be used to determine meal eligibility and may be verified at any time during the school year by school or program officials. You or your children do not have to be a U.S. citizen to qualify for free or reduced-price meals.
Federal, State, Title 1 and private grant funding is based on the number of eligible meal applications we collect and process. We encourage all households to complete a meal application, even if you plan on sending lunch from home for your student.

If you need assistance completing the application or have questions, contact the Child Nutrition Services office at (408) 223-4500.

RELEASE OF DIRECTORY INFORMATION

The Board of Trustees recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation.

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of district students. (Education Code 49073)

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board policy.

Legal Reference:

EDUCATION CODE
49061 Definitions
49063 Notification of parents of their rights
49073 Release of directory information
49073.5 Directory information; military representatives; telephone numbers
49603 Public high schools; military recruiting
UNITED STATES CODE, TITLE 10
503 Military recruiter access to directory information
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
7908 Armed forces recruiter access to students and student recruiting information
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy

EVERGREEN SCHOOL DISTRICT
2017 - 2018 CALENDAR

August

	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

9

All Teachers Inservice Day - Aug.21-22

Opening Day - Aug.23
1st Min Day - Aug 31

September

				1
4*	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

20

Labor Day - Sept 4
Staff Development Day Sept.28

October

2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

22

November

		1	2	3
6	7	8	9	10*
13	14	15	16	17
20	21	22*	23*	24*
27	28	29	30	

16

Veteran's Day - Nov.10
Conference Day - Nov. 15
Thanksgiving Holiday - Nov.20-24

December

				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25*	26*	27	28	29

16

Winter Break - Dec 25 - Jan 5

January

1*	2*	3	4	5
8	9	10	11	12
15*	16	17	18	19
22	23	24	25	26
29	30	31		

17

Martin Luther King Holiday - Jan.15

February

			1	2
5	6	7	8	9
12	13	14	15	16
19*	20*	21	22	23
26	27	28		

15

President's Holiday - Feb. 19-23

March

			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30*

21

April

2*	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				

16

Spring Break - March 30-April 6

May

	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28*	29	30	31	

22

Memorial Day - May 28

June

				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

10

Closing Day - June 14

Evergreen
School District

CLASSIFIED HOLIDAYS

Independence Day	July 4
Labor Day	Sept.4
Veteran's Day	Nov. 10
Thanksgiving	Nov. 22-24
Winter Break	Dec. 25,26,Jan 1, 2
Martin Luther King Day	Jan.15
Washington's & Lincoln's	Feb. 19,20
Spring Break	March 30, April 2
Memorial Day	May 28

* Holiday
Opening/Closing
Holiday/No school

3 Inservice days / no school
1 Conference day / no school

Evergreen School District

Annual Parent Acknowledgement and Consent Form

(Please Print)	Student Name	Grade	School	Teacher

******Please initial ALL boxes, NO check marks.******

Parent Handbook Acknowledgement Form

☐ **Initial** (Acknowledge Handbook Receipt)

This Annual Parent Handbook is intended as a resource for families and community. The Evergreen School District Board of Trustees encourages and supports the collaborative efforts of parents and school personnel to provide a safe, orderly, and positive learning environment for students and other members of the school community.

Each student is responsible for his/her own acceptable behavior as well as the protection of other students' rights to due process and to fair and just treatment. Please read and use this handbook to answer any questions.

I acknowledge receiving the Annual Parent Handbook. Additionally, I understand that this handbook may be accessed on the district website at www.eesd.org in English, Spanish and Vietnamese and I may request a copy in the language of preference from the school or District Office.

Medical Consent

☐ **Initial** (Medical Consent Agreement)

In the event of illness or injury and I cannot be reached and the doctor or dentist indicated as the emergency contact cannot be reached, please call an available licensed physician or dentist or take my child to the nearest emergency facility by ambulance if necessary. I realize that the school district cannot assume responsibility for the payment of medical fees or expenses incurred.

I do hereby consent to whatever x-ray examination, anesthetic, medical, surgical or dental diagnosis or treatment and hospital care are considered necessary for my child in the best judgment of the attending physician, surgeon or dentist and performed by or under the supervision of a member of the medical staff of the hospital or facility furnishing medical or dental services (Civil Code 25.8)

Acceptable Use of Technology

☐ **Initial** (Acceptable Use Regulations)

I acknowledge that my child and I have read the Students' Acceptable Use of Technology Regulations AR 6163.4 contained in this Annual Parent Handbook and will adhere to the expectations stated in the regulations.

District-Approved Web Hosted Systems

☐ **Initial** (Have Read District Approved Web Hosted Systems)

District-approved web hosted systems, such as Google Apps for Education which allows our Students to utilize a suite of free, web-based programs and to collaborate with teachers and other students within the District, are summarized in this Annual Parent Handbook. Participation in these systems is voluntary, but participation is strongly encouraged. Parents have the option to opt their child out of district-approved web hosted systems and/or Google Apps for Education program.

☐ I **DO NOT** want my child to participate in District-Approved Web Hosted Systems programs.

☐ I **DO NOT** want my child to be issued a Google Apps for Education account.

Permission to Be Photographed/Publication of Personal Information

Throughout the school year, district staff and/or members of the media escorted by district staff may come to our classrooms or to school events in order to photograph students for district publications, displays, web site(s), news stories or similar purposes. Your child may appear in a photograph or a video, have his/her voice recorded for radio, or have his/her name published. [check selected photo/publication option(s) below]

☐ Yes, I give permission for my child to be photographed, videotaped, recorded, and/or interviewed by representatives for the Evergreen School District, the local media with district approval, or other education-related groups for school purposes. This includes pictures and/or videos published on the school or district affiliated websites(s). Under no circumstances, with the exception of school yearbooks and class pictures, will photographs be published with a child's full name and/or personal information without parental consent.

Initial (Publication Permission)

OR ***Do not initial both of these boxes. If you initial the upper box, you are granting school photos to be taken.***

☐ I **DO NOT** want my child to be photographed, videotaped, recorded, interviewed, and/or have my child's name published by representatives for the Evergreen School District, the local media with district approval, or other education-related groups.

Initial (Publication Permission – Opt Out)

However, I consent to ***allow*** (check all that apply) to:

If you initial I DO NOT want my child to be photographed, & videotaped. You will need to check I consent to allow ***MY CHILD TO PARTICIPATE IN SCHOOL PHOTOGRAPHS*** *if you would like your child to have their photos taken.*

- ☐ My child to participate in ***school photographs***
- ☐ My child's teacher to photograph my child in class and to use the photograph for ***class projects and displays***.
- ☐ My child to be included in photographs/videos of ***classroom activities and performances***.
- ☐ My child's picture and name to appear in a ***school yearbook*** or classroom publication.
- ☐ My child's name to appear in a district/school/ ***classroom newsletter or award/activity program.***
- ☐ My child's picture to appear in ***web content or in social media***

I have initialed and/or checked the acknowledgement and consent items on both sides of this Annual Parent Acknowledgement and Consent Form.

_____	_____	_____
Parent/Guardian Name (Print)	Signature	Date

D-158 Revised 7/1/17

SIGNATURE REQUIRED, SUBMIT TO SCHOOL OF ATTENDANCE