SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Agenda Item 10.1g

Meeting Date : October 4, 2018
sion ; BP 5111.1 District Residency; BP 5125
3 Nondiscrimination/Harassment ; BP 5145.4

- ☐ Information Item Only
- ☒ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (Action Anticipated:)
- ☐ Conference/Action
- ☐ Action
- ☐ Public Hearing

Division : Legal Services

Recommendation : Approval of the revised policies (BP 0410, BP 1312.3, BP 5111, BP 5111.1, BP 5125, BP 5145.3 and BP 5145.4)

Background/Rationale : The Governing Board is committed to maintaining a safe learning environment that is free from harassment and discrimination and respects the rights of all students and families. Revisions to numerous SCUSD Board policies are required in order to comply with new California laws, including updated Education Code Sections 220 and 234.1, which mandate that a student's and/or family's Immigration Status must be included within the list of protected classifications for which discrimination is prohibited. Each of the policies in this packet require update to comply with this requirement, and other numerous changes to state law.

Financial Conside rations : None

LCAP Goal(s): Safe, Emotionally Healthy and Engaged Students

Documents Attached:

1. Redline versions of: BP 0410, BP 1312.3, BP 5111, BP 5111.1, BP 5125, BP 5145.3 and BP 5145.4
2. Clean versions of: BP 0410, BP 1312.3, BP 5111, BP 5111.1, BP 5125, BP 5145.3 and BP 5145.4

Estimated Time of Presentation : N/A

Submitted by : Raoul Bozio, In-House Counsel

Stephan Brown, Director II

Approved by : Jorge A. Aguilar, Superintendent

Sacramento City USD
Board Policy
Nondiscrimination In District Programs And Activities

BP 0410
Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board is committed to equal opportunity for all individuals in ~~education~~ district programs and activities. District programs and activities shall be free from discrimination based on race, color, ancestry, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, ~~or~~ pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, ~~or~~ gender 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.
(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education under Section 504)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)

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

(cf. 3540 - Transportation)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5145.13 - Response to Immigration Enforcement)

categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

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

forth the steps for completing the changes.

(cf. 6163.2 - Animals At School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web site, notetakers, written materials, taped text, and Braille or large print materials.

(cf. 6020 - Parent Involvement)

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

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

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

Lead Compliance Officer
Chief Human Resource Officer
5735 - 47th Avenue
Sacramento, CA 95824
(916) 643-7474

Compliance Officer for Claims of Student-to-Student Discrimination or Harassment
Director of Student Hearing and Placement
5735 - 47th Avenue
Sacramento, CA 95824
(916) 643-9425

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
48980 Parental notification
48985 Notices to parents in language other than English
51007 Legislative intent: state policy
GOVERNMENT CODE
8310.3 California Religious Freedom Act

11000 Definitions
11135 Nondiscrimination in programs or activities funded by state

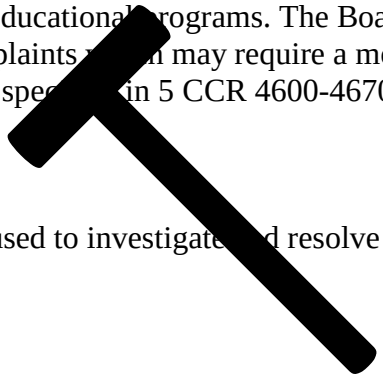
Sacramento City USD

Board Policy

Uniform Complaint Procedures

BP 1312.3
Community Relations

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



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

Sacramento City USD

Board Policy

Admission

BP 5111
Students

The Governing Board believes that all children should have the opportunity to receive educational services. Staff shall encourage parents/guardians to enroll all school-aged children in school. The Superintendent or designee shall inform parents/guardians about their rights regarding admission to a district school at any grade level about admission requirements and shall assist them with enro322(s.0 ds)-1(t)529w[anst [P <</MCID 9 >>BDns

The Superintendent or designee shall announce and publicize the timeline and process for registration of students at district schools. Applications for intradistrict or interdistrict enrollment shall be subject to the timelines specified in applicable Board policies and administrative regulations.

(cf. 5111.1 - District Residency)
(cf. 5111.11 - Residency of Students with Caregiver)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5111.13 - Residency for Homeless Children)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 -

Superintendent or designee may admit to the ninth grade only those students who have duated from eighth grade or who are recommended in writing by their eighth grade principal apable of profiting from high school instruction.

All appropriate staff shall receive training on district admission policies and procedures, including information regarding the types of documentation that can and cannot be requested.

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

Verification of Admission Eligibility

Before enrolling any child in a district school, the Superintendent or designee shall verify the

Legal Reference:
EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
46600 Agreements for admission of pupils desiring interdistrict attendance
48000 Minimum age of admission (kindergarten)
48002 Evidence of minimum age required to enter kindergarten or first grade
48010 Minimum age of admission (first grade)
48011 Admission from kindergarten or other school; minimum age
48050-48053 Nonresidents
48200 Children between ages of 6 and 18 years (compulsory full-time education)
49076 Access to records by persons without written consent or under judicial order
49408 Information of use in emergencies
48645.5 Enrollment of former juvenile court school students
48850-48859 Educational placement of homeless and foster youth
48645.5 Enrollment of former juvenile court school students
49076.7 Student records; data privacy; social security numbers
49452.9 Health care coverage options and enrollment assistance
49700-49704 49703 Education of children of military families
HEALTH AND SAFETY CODE
120325-120380 Education and child care facility immunization requirements
121475-121520 Tuberculosis tests for pupils
CODE OF REGULATIONS, TITLE 5
200 Promotion from kindergarten to first grade
201 Admission to high school
CODE OF REGULATIONS, TITLE 17
6000-6075 School attendance immunization requirements
UNITED STATES CODE, TITLE 42
11431-11435 McKinney Homeless Assistance Act

Management Resources:
CDE MANAGEMENT ADVISORIES
0900.90 Changes in law concerning eligibility for admission to kindergarten

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: November 16, 1998 Sacramento, California
reviewed: April 15, 2002
revised: 2018

Sacramento City USD

Board Policy

District Residency

BP 5111.1
Students

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

(cf. 5116.1 -

EDUCATION CODE
220 Prohibition of discrimination
234.7 Student protections relating to immigration and citizenship status
35160.5 Intradistrict open enrollment
35351 Assignment of students to particular schools
46600-46611 Interdistrict attendance permits
48050-48054 Nonresidents
48200-48208 Compulsory education law, especially:
48204 Residency requirements
48204.1-48204.2 Evidence of residency
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act transfers
48852.7 Education of homeless students; immediate enrollment
48853.5 Education of foster youth; immediate enrollment
48980 Notifications at beginning of term
52317 Regional occupational program, admission of persons including nonresidents
FAMILY CODE
6550-6552 Caregivers
GOVERNMENT CODE
6205-6210 Confidentiality of residence for victims of domestic violence
CODE OF REGULATIONS, TITLE 5
432 Retention of student records
UNITED STATES CODE, TITLE 8
1229c Immigration and Nationality Act
UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act
COURT DECISIONS
Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47
Plyler v. Doe, 457 U.S. 202 (1982)

Management Resources:
CSBA PUBLICATIONS
Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014
OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012 -

Sacramento City USD

Board Policy

Student Records

BP 5125
Students

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations for Board approval governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and photocopy student records and shall protect the student and the student's family from invasion of privacy.

(cf. 3580 - District Records)
(cf. 4040 -

federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

Custodian of Records

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled. The custodian of records shall be responsible for implementing the Board policy and administrative regulation regarding student records. (5CCR 431)

Contract for Digital Storage, Management, and Retrieval of Student Records

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

(cf. 3312 - Contracts)

Legal Reference:
EDUCATION CODE
234.7 Student protectioB3tiecor5i11(e-2(-2(iDc-4(t)-2(m)mig0 Tc 0 Tw 8.TJ 0 Tc2)-1Tc2)-1Tc22(t)-2(m)mig0 Tc2

245 Assault with deadly weapon
WELFARE AND INSTITUTIONS CODE
681 Truancy petitions
701 Juvenile court law
16010 Health and education records of a minor
CODE OF REGULATIONS, TITLE 5
430-438 Individual student records
16020-16027 Destruction of records of school districts
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of Pupil Rights Amendment
UNITED STATES CODE, TITLE 26
152 Definition of dependent child
UNITED STATES CODE, TITLE 42
11434a McKinney-Vento Homeless Assistance Act; definitions
CODE OF FEDERAL REGULATIONS, TITLE 16
Part 312 Children's Online Privacy Protection Rule
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
300.501 Opportunity to examine records for parents of student with disability

Management Resources:
FEDERAL REGISTER
Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9,

Sacramento City USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3
Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, family, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression, genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullyingM1[/t T(i)Enan bull-2(n-above. Unlawful discrimination also shall include the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of

discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex, especially:
221.5 Prohibited sex discrimination
221.7 School-sponsored athletic programs; prohibited sex discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
49020-49023 Athletic programs
51006-51007 Equitable access to technological education programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI & VII Civil Ri 0 Tw 5.6[(422.6 C)-3(rD)-9(E,)-1(T)-10(I)12(T)-10(1(f)5(/P <</M

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

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

FIRST AMENDMENT CENTER PUBLICATIONS
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, January 1999
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Sacramento City USD

Board Policy

Anti-Bullying

BP 5145.4
Students

The Governing Board desires to provide an orderly, caring and nondiscriminatory learning environment and specifically prohibits acts of harassment or bullying. The Governing Board has determined that a safe and civil environment in school is necessary for students to learn and

following criteria:

* is directed at one or more persons;
* substantially interferes with educational opportunities, benefits, or programs of one or more students;

* adversely affects the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing emotional distress;
* is based on a student's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics;
* involves an imbalance of power or strength; and
* involves a pattern of behavior repeated over time

Electronic bullying or cyber bullying is the use of electronic communication technology such as, but not limited to, e-mail, instant messages, text messages, mobile phones, and web sites, to send or post messages or images to embarrass, humiliate, spread rumors, threaten or intimate. Sending sexually explicit images electronically, even consensually, may be considered as distribution of child pornography, and is to be referred to district security and/or law enforcement.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.2 - Use of Electronic Signaling Devices)
(cf. 5131.4 - Campus Disturbances)
(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)
(cf. 5145.9 - Hate-Motivated Behavior)

The district prohibits bystander support of harassment or bullying as it can encourage and/or reinforce the behavior. Bystander support may be active actions such as, but not limited to, laughter or calling attention to the situation; or through passive actions such as, but not limited to, watching the(t)-2(e)4(nt)-2(i)it cuation; orend 2(not)-2(l)-stsat eoo0.004 Tw 32.2enc not he distriConducidic

designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The Board requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged

35181 Governing board policy on responsibilities of students
35291 - 35291.5 Rules
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
44806 Duty concerning instruction of students
44807 Duty concerning conduct of students
44810 Willful interference with classroom conduct
44811 Disruption of classwork or extracurricular activities
48900 Grounds for suspension or expulsion
48900(r) Grounds for suspension or expulsion: bullying
48907 Student exercise of free expression
51512 Prohibited use of electronic listening or recording device
PENAL CODE
243.5 Assault or battery on school property
311 Child Pornography
403-420 Crimes against the public peace, especially:
415 Fighting; noise; offensive words
CIVIL CODE
1714.1 Liability of parents and guardians for willful misconduct of minor
CODE OF REGULATIONS, TITLE 5
300 - 307 Duties of pupils
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: June 2, 2011 Sacramento, California

Sacramento City USD

Board Policy

Nondiscrimination In District Programs And Activities

BP 0410
Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board is committed to equal opportunity for all individuals in district programs and activities. District programs and activities shall be free from discrimination based on race, color, ancestry, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender 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.
(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)
(cf. 4119.11/4219.11/4319.11 - S (cf. 6145.2A thletic Competition)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education under Section 504)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)

All individuals shall be treated equitably in the receipt of district and school servi
identifiable information collected in the implementation of any district program, i
not limited to, student and family information for the free and reduced-price lunc
transportation, or any other educational program, shall be used only for the purpo
program, except when the Superintendent or designee authorizes its use for anoth
accordance with law. Resources and data collected by the district shall not be use
others, to compile a list, registry, or database of individuals based on race, gender
orientation, religion, ethnicity, national origin, or immigration status or any other
identified above.

(cf. 3540 - Transportation)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5145.13 - Response to Immigration Enforcement)

District programs and activities shall also be free of any racially derogatory or dis

school or athletic team names, mascots, or nicknames.

Annually

Access for Individuals with Disabilities

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

(cf. 6163.2 - Animals At School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall ensure that the district provd prov5MCID 8 >>cq-* [(A)4(me)6(r)5ilrtiea

(916) 643-9425

Legal Reference:
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51007 Legislative intent: state policy
GOVERNMENT CODE
8310.3 California Religious Freedom Act
11000 Definitions
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with Americans with Disabilities Act
PENAL CODE
422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
2301-2415 Carl D. Perkins Vocational and Applied Technology Act
6311 State plans
6312 Local education agency plans
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans 6d

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment
U.S. DEPARTMEN

Sacramento City USD

Board Policy

Uniform Complaint Procedures

BP 1312.3
Community Relations

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

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers , career technical and technical education and training programs, child care and development programs, child nutrition programs, , consolidated categorical aid programs, compensatory education, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs,, and any other district-implemented program which is listed in Education Code 64000(a).

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
()
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220,

Sacramento City USD
Board Policy
Admission

BP 5111
Students

The Governing Board believes that all children should have the opportunity to receive educational services. Staff shall encourage parents/guardians to enroll all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children seeking admission to a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall announce and publicize the timeline and process for registration of students at district schools. Applications for intradistrict or interdistrict enrollment shall be subject to the timelines specified in applicable Board policies and administrative regulations.

(cf. 5111.1 - District Residency)
(cf. 5111.11 - Residency of Students with Caregiver)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5111.13 - Residency for Homeless Children)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5119 -

46600 Agreements for admission of pupils desiring interdistrict attendance
48000 Minimum age of admission (kindergarten)
48002 Evidence of minimum age required to enter kindergarten or first grade
48010 Minimum age of admission (first grade)
48011 Admission from kindergarten or other school; minimum age
48050-48053 Nonresidents
48200 Children between ages of 6 and 18 years (compulsory full-time education)
49076 Access to records by persons without written consent or under judicial order
49408 Information of use in emergencies
48645.5 Enrollment of former juvenile court school students
48850-48859 Educational placement of homeless and foster youth
48645.5 Enrollment of former juvenile court school students
49076.7 Student records; data privacy; social security numbers
49452.9 Health care coverage options and enrollment assistance
49700-49704 49703 Education of children of military families
HEALTH AND SAFETY CODE
120325-120380 Education and child care facility immunization requirements
121475-121520 Tuberculosis tests for pupils
CODE OF REGULATIONS, TITLE 5
200 Promotion from kindergarten to first grade
201 Admission to high school
CODE OF REGULATIONS, TITLE 17
6000-6075 School attendance immunization requirements
UNITED STATES CODE, TITLE 42 ade

Sacramento City USD

Board Policy

District Residency

BP 5111.1
Students

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The

determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

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

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent’s designee of a determination that district residency requirements were not met, the Superintendent’s designee shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's designee’s decision shall be final.

Enrollment Not Requiringintendent

Management Resources:
CSBA PUBLICATIONS
Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014
OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Secretary of State, Safe at Home Program: http://www.sos.ca.gov/safeathome
U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/ocr

Adopted: May 5, 2016

Revised: 2018

Sacramento City USD

Board Policy

Student Records

BP 5125
Students

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations for Board approval governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and photocopy student records and shall protect the student and the student's family from invasion of privacy.

(cf. 3580 - District Records)
(cf. 4040 - Employee Use of Technology)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5125.3 - Challenging Student Records)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)

Custodian of Records

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled. The custodian of records shall be responsible for implementing the Board policy and administrative regulation regarding student records. (5CCR 431)

Contract for Digital Storage, Management, and Retrieval of Student Records

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

(cf. 3312 - Contracts)

Legal Reference:
EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
17604 Contracts
48201 Student records for transfer students who have been suspended/expelled
48853.5 Foster youth; placement, immunizations
48902 Notification of law enforcement of specified violations
48904-48904.3 Withholding grades, diplomas, or transcripts
48918 Rules governing expulsion procedures
48980 Parental notifications
48985 Notices in parent/guardian's primary language
49060-49079 Student records
49091.14 Parental review of curriculum
51747 Independent study
56041.5 Rights of students with disabilities
56050 Surrogate parents
56055 Foster parents
69432.9 Cal Grant program; notification of grade point average
BUSINESS AND PROFESSIONS CODE
22580-22582 Digital privacy
22584-22585 Student Online Personal Information Protection Act
22586-22587 Early Learning Personal Information Protection Act
CODE OF CIVIL PROCEDURE
1985.3 Subpoena duces tecum
FAMILY CODE
3025 Access to records by noncustodial parents
6552 Caregiver's authorization affidavit
GOVERNMENT CODE
6252-6260 Inspection of public records
HEALTH AND SAFETY CODE
120440 Immunizations; disclosure of information
PENAL CODE
245 Assault with deadly weapon
WELFARE AND INSTITUTIONS CODE

681 Truancy petitions
701 Juvenile court law
16010 Health and education records of a minor
CODE OF REGULATIONS, TITLE 5
430-438 Individual student records
16020-16027 Destruction of records of school districts
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of Pupil Rights Amendment
UNITED STATES CODE, TITLE 26
152 Definition of dependent child
UNITED STATES CODE, TITLE 42
11434a McKinney-Vento Homeless Assistance Act; definitions
CODE OF FEDERAL REGULATIONS, TITLE 16
Part 312 Children's Online Privacy Protection Rule
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
300.501 Opportunity to examine records for parents of student with disability

Management Resources:
FEDERAL REGISTER
Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008
Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007
WEB SITES
California Department of Education: http://www.cde.ca.gov
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Family Policy Compliance, http://www.ed.gov/policy/gen/guid/fpco

Sacramento City USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3
Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, family, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression, genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of

discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex, especially:
221.5 Prohibited sex discrimination
221.7 School-sponsored athletic programs; prohibited sex discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
49020-49023 Athletic programs
51006-51007 Equitable access to technological education programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3a Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex

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

Sacramento City USD

Board Policy

Anti-Bullying

BP 5145.4
Students

The Governing Board desires to provide an orderly, caring and nondiscriminatory learning environment and specifically prohibits acts of harassment or bullying. The Governing Board has determined that a safe and civil environment in school is necessary for students to learn and ach-administrators, faculty, staff, parents, students and volunteers to provide positive examples for student behavior.

(cf. 0200 - Goals for the School District)
(cf. 5137 - Positive School Climate)
(cf. 5142 - Safety)

Harassment or bullying is any gesture or written, verbal, graphic, physical or electronic act (i.e.

following criteria:

* is directed at one or more persons;
* substantially interferes with educational opportunities, benefits, or programs of one or more students;

* adversely affects the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing emotional distress;
* is based on a student's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics;
* involves an imbalance of power or strength; and
* involves a pattern of behavior repeated over time

Electronic bullying or cyber bullying is the use of electronic communication technology such as, but not limited to, e-mail, instant messages, text messages, mobile phones, and web sites, to send or post messages or images to embarrass, humiliate, spread rumors, threaten or intimate. Sending sexually explicit images electronically, even consensually, may be considered as distribution of child pornography, and is to be referred to district security and/or law enforcement.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.2 - Use of Electronic Signaling Devices)
(cf. 5131.4 - Campus Disturbances)
(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)
(cf. 5145.9 - Hate-Motivated Behavior)

The district prohibits bystander support of harassment or bullying as it can encourage and/or reinforce the behavior. Bystander support may be active actions such as, but not limited to, laughter or calling attention to the situation; or through passive actions such as, but not limited to, watching the(t)-2(e)4(nt)-2(i)it cuation; orend 2(not)-2(l)-stsat eoo0.004 Tw 32.2enc not he distriConducidic

designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The Board requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged

35181 Governing board policy on responsibilities of students
35291 - 35291.5 Rules
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
44806 Duty concerning instruction of students
44807 Duty concerning conduct of students
44810 Willful interference with classroom conduct
44811 Disruption of classwork or extracurricular activities
48900 Grounds for suspension or expulsion
48900(r) Grounds for suspension or expulsion: bullying
48907 Student exercise of free expression
51512 Prohibited use of electronic listening or recording device
PENAL CODE
243.5 Assault or battery on school property
311 Child Pornography
403-420 Crimes against the public peace, especially:
415 Fighting; noise; offensive words
CIVIL CODE
1714.1 Liability of parents and guardians for willful misconduct of minor
CODE OF REGULATIONS, TITLE 5
300 - 307 Duties of pupils
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: June 2, 2011 Sacramento, California