

**WELCOME
to the
BERKELEY UNIFIED SCHOOL DISTRICT
and the
2014-2015 SCHOOL YEAR**

This is the 2014-2015 *Parent Student Handbook*. This handbook, which includes the Alameda County Office of Education's *2014-15 Notice to Parents*, provides students and parents with specific Education and Government codes, as required by law, as well as information about District programs and policies. Please keep this handbook as a reference throughout the school year.

Thank you for taking the time to sign the documents on the following two pages and returning them to your student's school. The Berkeley Unified School District teachers and staff look forward to serving you and your student this year.

Berkeley Unified School District Website: www.berkeleyschools.net

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Verification of Receipt Instructions

Please be sure to review all sections of this document which include:

1. Your acknowledgment of receipt of this handbook. If you received this Handbook electronically and acknowledged receipt electronically, you may disregard this page.
2. A permission form for to withhold permission for your student to be photographed or interviewed by the media.
3. If your child is a high school student, a form that prohibits the school to release your student's contact information to the military and colleges and universities. Students are also given this opportunity in their high school class early in the school year.

Please note that if you do not complete the Release and Disclosure of Student Information form, your student's information will be released as mandated by the *No Child Left Behind Act of 2002*. The form is located on page v.

The *Verification of Receipt* must be signed by you and returned to your child's school. Your signature of receipt is an acknowledgement that you have been informed of your rights, but does not indicate that consent to participate in any particular program has either been given or withheld. Students must return the ***Verification of Receipt, Media Permission, and Release and Disclosure of Student Information*** (for high school students) and the ***JAMRS Opt-Out Form*** (for high school students) documents to the following:

- Elementary school students return forms to their teacher
- Middle school students return forms to their Advisory teacher
- High school students return forms to the Registrar's Office

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Verification of Receipt

Yes, I have received and reviewed the 2014-2015 Berkeley Unified School District Student/Parent handbook.

Student's Name (please print)	School	Teacher or Counselor
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Parent/Guardian Signature	Date
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Berkeley Unified School District

USE OF STUDENT IMAGES/SCHOOLWORK

This is an OPTIONAL form. Please sign and return only if you wish to withhold permission.

The School District (BUSD) often includes images of students engaged in school activities and events as part of outreach and information about our programs for parents, family, and the wider community. Community partners such as the PTA and the Berkeley Public Schools Fund value these images as compelling ways to share and urge support for the work of our teachers and students.

During the school year, your student may be photographed or filmed by District staff while participating in school programs and activities. We would like to have the opportunity to use these images on the District or community partner websites and/or in related publications, or to feature your student’s schoolwork in these publications.

We want you to know that:

- Parent/guardian permission will be obtained before using a student’s name in association with the publication of individual photos or schoolwork, as for a student award ceremony.
- Photographs of individual students and/or their schoolwork or artwork may be published, without using the student’s name, unless a signed opt-out form is on file with the principal.
- Photo, video or audio recordings of groups of students, such as at a school event, may be published without permission, provided that students’ names are not included.

If you wish to opt out, please check the box below and return this form to the school office:

I DO NOT want my student’s individual photo or schoolwork/artwork to be published in any district or community partner website or publication. I understand that my student may appear, unidentified, in group photos or videos.

Student’s Name School Name

Parent/Guardian Name Telephone

Parent/Guardian Signature Date



Berkeley Unified School District

MEDIA OPT-OUT

This is an OPTIONAL form. Please sign and return only if you wish to withhold permission for your student to be photographed or interviewed by news media representatives.

There are times when our schools may be featured in various news media. News reporters, photographers and/or film crews from TV, radio stations, newspapers, magazines, or online publications may wish to interview, photograph and/or film your child in relation to a story about our schools or students, such as a school performance, a sports competition, or other newsworthy events. Your child’s name might be included in the report. We want you to know:

- Media representatives must register immediately upon entering any school building or grounds when school is in session and a media representative who wishes to photograph students on school grounds should first make arrangements with the PIO, principal or designee.
- The district will not impose restraints on students’ right to speak freely with media representatives at those times which do not disrupt a student’s educational program.
- Parents/guardian may, at their discretion, instruct their children not to communicate with news media representatives.

Please discuss your wishes with your children if you do not want to your children to be interviewed, photographed or filmed by news media, on or off campus. Please be aware that there may be circumstances beyond our control, so this opt-out form is a guide, but not a guarantee that your child will not be interviewed or photographed by news media.

If you wish to opt out, please check the box below and return this form to the school office:

I DO NOT want my child to be interviewed, photographed, or filmed by members of the news media, to the extent that the school can prevent such contact.

Student’s Name School Name

Parent/Guardian Name Telephone

Parent/Guardian Signature Date

FOR FAMILIES OF HIGH SCHOOL STUDENTS:

RELEASE AND DISCLOSURE OF STUDENT INFORMATION TO THE MILITARY AND INSTITUTIONS OF HIGHER LEARNING

Under the *No Child Left Behind Act*, of 2002, school districts are now required to allow the military the same access to high schools and student information as we do colleges, universities, or institutions of higher learning. However, prior to the passing of this legislation, the Berkeley Unified School District did not provide either the military or institutions of higher learning access to the name or addresses of our students. The Board of Education supports this position but also recognizes the responsibility to meet the intention of the law. Therefore, it is your discretion and prerogative to have this information withheld from these agencies should you choose.

If you **DO NOT WANT** your name, address, and telephone number released, please check the box below, sign and return this form to the High School Administration.

Please **DO NOT RELEASE** my name, address, and/or phone number to: **(Check one or both)**

- Military Recruiters
- Institutions of Higher Learning

Student's Name (please print)	School	Counselor
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Student or Parent/Guardian Signature	Date
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If your name and signature does not appear, your name and address must be released to the military.

Protect Your Privacy from Military Recruiters by Opting Out of the JAMRS Database

JAMRS stands for the "Joint Advertising Market Research Studies." The JAMRS data base—a massive registry of 30 million Americans between the ages of 16 and 25 for military recruitment purposes— is funded by the Department of Defense with the goal of maximizing recruitment efforts. The JAMRS database includes information such as name, date of birth, gender, mailing address, e-mail address, race and ethnicity, telephone number, high school name, graduation date, Grade Point Average, college intent, military interest, and field of study.

The JAMRS database has your information. If you do not want your personal information to be sold to the military, fill out the form below and return it to the address below.

Note: You must opt out each time you move to a new address.

More information about JAMRS is available at www.baypeace.org, or at www.defense.gov/jamrs_survey_optout.html

Joint Advertising and Marketing Research & Studies
Direct Marketing Program Officer
Attention: Opt Out
4040 North Fairfax Drive, Ste. 200
Arlington, VA 22203-1613

Dear Direct Marketing Program Officer:

Please remove all information and data regarding the following individual from the JAMRS military recruitment database:

Full Name: _____ **Date of Birth:** _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

I believe that the JAMRS database is an intrusion into my family's privacy and the Department of Defense should not be compiling this information.

Signature: _____ Date: _____

(Parent or legal guardian if individual is under 16 years old).

MISSION, VISION AND VALUES OF THE BERKELEY UNIFIED SCHOOL DISTRICT

Mission

The Mission of the Berkeley Unified School District is to enable and inspire our diverse student body to achieve academic excellence and make positive contributions to our world.

Vision

Our Students are curious and creative learners who succeed through personal initiative and sustained effort to reach high academic goals. They are critical thinkers who seek knowledge and possess technological competence and collaborative skills. Our students embrace diversity, act responsibly, and contribute to our community.

Our Educators believe that all students can meet or exceed rigorous academic standards. Teachers, staff, and administrators together form a rich professional learning community where all are supported to hone our professional craft and improve our effectiveness. Through the examination of our instructional practices and data, we adjust our teaching and operational systems in order to continuously improve. We are responsible in the stewardship of our fiscal resources and fair and equitable in their distribution.

Our Families and Community are integral to the success of our students and schools. Families are active, engaged and welcomed partners in their child's education who give valued input and participate in making important decisions about our academic and enrichment programs. Our diverse community is passionate about equitable educational outcomes for all students. Our civic and community organizations partner with us to promote family engagement and the well-being and success of our students.

Our Schools are vital centers of community life enriched by the diversity of our city and welcoming to all families. Each classroom offers engaging and culturally relevant curriculum that builds on students' interests and abilities. Student needs, as identified by regular assessment, inform our teaching and guide appropriate and effective intervention services. We offer an enriched learning environment and a comprehensive system of supports to address the needs of the whole child.

Values and Beliefs of Berkeley Unified School District:

- Students are our priority.
- We take pride in our diversity.
- We hold high expectations for ourselves and our students.
- We treat each other with respect and act with integrity.

The 2020 Vision

In June 2008, the Berkeley School Board and the City Council affirmed the 2020 Vision for Berkeley's Children and Youth: *That all children, regardless of race, ethnicity and income, who enter Berkeley public schools beginning in 2007 (and remain in the district) will achieve equitable outcomes with no proficiency differences by the time they graduate in June, 2020; and that all children born in Berkeley in 2007 and beyond, receive a healthy start and are equally ready to learn and succeed in the Berkeley public schools.*

Strategies for Moving Forward:

1. **Plan for Educational Success for All:** Create a comprehensive action plan to address educational success for all Berkeley's students that articulates specific models, goals and measurable outcomes toward achieving the 2020 Vision. This plan will ensure rigorous culturally relevant teaching and learning that address the broad range of achievement levels and learning styles of our diverse students, using a standards-based curriculum aligned with formative assessments as well as innovative programs that motivate and engage students.
2. **Plan for Healthy Child Development for All:** Develop a comprehensive action plan to promote healthy child development for children age 0 to 5 and articulate specific models, goals and measurable outcomes to ensure school readiness for all children entering the Berkeley schools.
3. **Address Barriers to Learning:** Continue to implement the Berkeley Schools-Mental Health Partnership Strategic Plan (as adopted by the Berkeley City Council and Berkeley School Board in Spring, 2007) to build a comprehensive continuum of school-based and school-linked health and mental health services to strengthen the development of the whole child and remove barriers to educational success.
4. **Professional Development and Human Resources:** Develop the beliefs, attitudes and expectations of all District and City staff that academic, social and emotional success is possible and achievable for all students. The City's and School District's human resources procedures will recruit, train and retain a diverse cadre of educators, school staff, and city employees with the skills and the commitment needed to remove the barriers to educational success and ensure all students achieve their full potential.
5. **Parent/Guardian and Youth Engagement:** Establish partnerships with families and youth, including those directly affected by educational inequities, to support the work of the District and the City to increase academic success for all students. Schools do not exist in isolation - youth and family engagement, economic security, and good health are all critical to achieving educational success.
6. **Community Engagement:** Implement a community engagement process that brings together key stakeholders, including Berkeley City College, UC Berkeley, the local business community and community-based organizations to create clear and accessible pathways for civic engagement, youth employment, career development and/or higher education for all Berkeley youth.
7. **Leverage local, state and national public and private resources:** Develop a coordinated effort with the City of Berkeley, the School District, and other stakeholders to coordinate revenue generation for priority programs and services that leverage and maximize public and private dollars so that all students have adequate and equitable supports for their success.
8. **Shared Accountability and Measurable Outcomes:** Commit to shared accountability for relationships and actions, with specific benchmarks for success. Both the City and the School District will work with the community to adopt short and long-term achievable outcome measures, and will use the results to guide continuous improvement efforts. Staff will periodically report results to the School Board, City Council, and community.

Berkeley Unified School District

SCHOOL OFFICES

Berkeley Adult School.....	644-6130
Berkeley Arts Magnet Elementary School	644-6225
Berkeley High School	644-6120
Berkeley Technology Academy (B-Tech)	644-6159
Cragmont Elementary School.....	644-8810
Early Childhood Education	644-6203
Emerson Elementary School	644-6890
Jefferson Elementary School.....	644-6298
John Muir Elementary School.....	644-6410
LeConte Elementary School	644-6290
Longfellow Middle School	644-6360
Malcolm X Elementary School.....	644-6313
Martin Luther King, Jr. Middle School.....	644-6280
Oxford Elementary School.....	644-6300
Rosa Parks Elementary School.....	644-8812
Thousand Oaks Elementary School	644-6368
Washington Elementary School.....	644-6310
Willard Middle School	644-6330

DISTRICT OFFICES

Main Phone Line.....	644-6348
Superintendent's Office, Dr. Donald Evans	644-6206
Board of Education	644-6550
Karen Hemphill, President	
Josh Daniels, Vice President	
Judy Appel, Director	
Beatriz Leyva-Cutler, Director	
Julie Sinai, Director	
Admissions and Attendance	644-6504
Berkeley Schools Excellence Program (BSEP).....	644-8717
Berkeley Schools Volunteers.....	644-8833
Curriculum and Instruction.....	644-6202
Educational Services	644-6257
Evaluation and Assessment	644-6959
Human Resources/Employment	644-6150
Nutrition Services.....	644-6200
Office of Family Engagement and Equity	644-8991
Public Information Office.....	644-6320
Special Education and Health.....	644-6210
State and Federal Programs (Title I, EL, GATE)	644-6202
Student Services (Discipline, Truancy, Alternative Placement, 504 Plans, Foster Youth, Homeless Youth).....	883-5224
Transportation.....	644-6182

General District Information

1. Curriculum and Instruction

1.1 Common Core State Standards (CCSS)

Educational standards describe what students should know and be able to do in each subject in each grade. In California, the State Board of Education sets the standards for all students, from kindergarten through high school.

Since 2010, 45 states have adopted the same standards for English and math. These standards are called the Common Core State Standards (CCSS). Teachers, parents, and educational experts designed the CCSS to prepare students for success in college and the workplace.

By 2014-15, these new standards will replace the California Standards, and the current California Standards Test (CST) will be changed to a standardized assessment aligned with the rigorous Common Core Standards. The new tests are called "Smarter Balanced" assessments and will go beyond multiple-choice questions to include extended response and technology enhanced items, as well as performance tasks that allow students to demonstrate critical-thinking and problem-solving skills.

Please visit our webpage noted below for more information on local efforts to implement the Common Core in Berkeley public school classrooms as well as to find links to useful online resources, including a K-8 Common Core parent handbook that provides an overview of standards at each grade level, and is available both in English and Spanish.

<http://www.berkeleyschools.net/teaching-and-learning-2/curriculum-standards/common-core-state-standards/>

1.2. Report Cards

Report cards are a tool for teachers to communicate with parents/guardians about the student's progress towards grade level standards. Elementary students receive report cards three times a year. Elementary report cards reflect the grade level standards. Middle and high school students receive report cards four times a year, twice per semester (approx. every nine weeks). Additionally, secondary school students receive progress reports mid-way through each grading period (after approximately 4.5 weeks).

1.3. Student Assessments and California High School Exit Exam

In the spring of each year, all students in grades 2-11 are required to take the state mandated achievement tests as part of the State's Standardized Testing and Reporting Program (STAR). However, a Special Education student's Individual Education Plan (IEP) may allow this student to take an alternate exam. The results of these tests are mailed to parents/guardians.

These test scores are used, along with other test scores and achievement data, to assess individual student achievement and the quality of instructional programs. Parents and teachers can use individual scores to monitor the progress of their students. For more information about the assessments that will be used with your student, please talk with his/her teacher. Information on the state testing program in general is posted on the CDE website.

California English Language Development Test (CELDT)

All English Learners are given the California English Language Development Test initially upon enrollment in Berkeley Schools and annually thereafter. This testing is mandated by the state; parents do not have the option to waive this requirement. The results are used for appropriate program placement of students and to ensure that all students attain proficiency in English.

California High School Exit Exam

Students are required to pass the California High School Exit Exam (CAHSEE) to receive a high school diploma. The CAHSEE is given to all tenth graders in the spring at the school site during regular school hours. Students will: (1) receive results of the exam within eight weeks after testing is complete, (2) have opportunities to retake the exam or any part of the exam not previously passed, and (3) receive additional instruction, if needed, to help ensure success.

1.4. Promotion/Retention Requirements

The Berkeley Unified School District Board of Education has adopted a Pupil Promotion/ Retention Policy that is in compliance with legislation passed in January of 1999 (AB1626) requiring that students meet minimum grade level standards to be promoted to the next grade. Each school site is required to provide intervention programs for students who are not making adequate progress towards grade level standards and are at risk of retention. The Pupil Promotion/Retention Policy can be found in Section 9 of this handbook. Kindergarten and first grade students may only be retained with the consent of the parent or guardian.

1.5. High School Graduation Requirements

A minimum of 220 credits in grades 9-12 is required for graduation. These credits include:

- English: 40 credits, 8 semester courses
- History: 40 credits, 8 semester courses – one year of Freshman Social Studies, which includes Social Living and Ethnic Studies, one year of World History, one year of U.S. History, one semester of American Government, and one semester of Economics
- Science: 20 credits, 4 semester courses – one year of Physical Science and one year of Biological Science
- Mathematics: 20 credits, 4 semesters of Mathematics courses that are offered at BHS, or that BHS courses are the prerequisites for. Courses repeated may not count twice. (Successful completion of one year of Algebra, or equivalent, is required.)
- Physical Education: 20 credits, 4 semester courses
- Foreign Language: 10 credits, 2 semester courses
- or
- Visual or Performing Arts: 10 credits, one year in one subject from Visual or Performing Arts.

1.6. Grading Policy

The Board of Education has adopted a standard grading policy, which can be found in Section 9 of this handbook. It is also important to note that after proper notification, a student's grades, transcript, and diploma can be withheld for damage to or failure to return school property (e.g., books, uniforms, lockers). Parents/guardians will be notified in writing of the student's alleged misconduct prior to the withholding of grades, transcript,

or diploma (Education Code 48904). If you believe there is an error in grading, the first step is to contact the teacher. Ultimately, only the teacher of record can change a grade (Education Code 49066a).

1.7. Student Success Team

The *Student Success Team* (sometimes called a Student Study Team, or SST) is a regular education, problem-solving, group process that is employed when a student is having difficulties in school, and when initial efforts by teachers, support staff, and/or parents to provide support have not made a sufficient impact. The SST is based on the assumption that the school, home, and community need to coordinate their efforts, through a focus on student strengths, to eliminate barriers to learning.

An SST meeting can be convened at any time during the school year by a teacher, administrator, parent/guardian, or other school personnel working directly with the child. Parents/guardians who are interested in convening an SST meeting for their child should contact the principal (for elementary schools), counselor (for middle schools and high schools), or coordinator (for independent study). SST meeting participants typically include the parent/guardian, teacher(s), principal, and student (when appropriate), and may include other individuals knowledgeable about the student's difficulties. In the SST meeting, information about the student's strengths, difficulties, and responsiveness are exchanged. This exchange is followed by the development of one or more specific goals for the student, and an action plan with strategies that will support the student in meeting these goals. Once an SST has been held, procedures are put in place to ensure that the action plan is implemented, including monitoring the student's progress and developing additional interventions if needed.

1.8. Special Education

According to state and federal law, all students aged 3 to 21 years, who qualify for special education services, regardless of physical and/or mental ability, are entitled to a free and appropriate public education. To ensure that this right is protected, special instructional and support services are available to students with physical, cognitive, and emotional disabilities. The overriding mandate in assessing need and delivering services is that the student should be taught in the least restrictive environment. Therefore, when a student is referred for special education, every effort is made to serve the student in the regular general education program.

1.9. The 504 Plan for Students with Disabilities

Section 504 of the Rehabilitation Act of 1973 is a broad civil rights law regulated by the Office of Civil Rights. The law's intent is to eliminate discrimination based on disability in any program or activity receiving federal financial assistance. Under Section 504, students with a physical or mental impairment that substantially limits one or more major life activities, including learning, are eligible to receive services and aid designed to meet their needs.

To evaluate a student's eligibility under Section 504, the school site administrator or designee convenes a committee of individuals, including the parent, who are knowledgeable about the student's individual needs and school history, the meaning of evaluation data, and accommodation options. If the committee establishes that the student has a disability requiring services under Section 504, a written plan is developed that informs what modifications and/or special services and aids are needed. The Section 504 contact is the principal (for elementary schools), counselor (for middle schools and high schools), or coordinator (for independent study). The District Section 504 contact person is Dr. Susan Craig, Director of Student Services, 644-6316.

1.10. Gifted and Talented Education (GATE)

Currently, the District does not receive dedicated funding from the State for Gifted and Talented Education (GATE). However, teachers provide differentiated instruction during the school day, such as tiered activities and flexible grouping; in order to challenge and engage all students. Through

district funds, BUSD also provides enrichment for students in arts and academics at all sites. At the High School level, students are able to take AP and Honors courses. GATE Parent Information Meetings are scheduled in the fall and spring, and are open to all BUSD parents.

1.11. Title I/ State Compensatory Education (SCE)

The Title I/SCE programs are funded by Federal and State money, respectively. These funds are allocated to schools based on the number of students qualifying for the free or reduced price lunch program. Schools must use these funds to support students who are academically underperforming. Students are identified as needing Title I services based on multiple academic assessments. Schools with more than 40% of their student population qualifying for free or reduced price are considered to be School wide Title I schools.

The Title I and SCE funding sources support students' academic achievement by providing extended day and year programs, teacher specialists, tutors, materials and other valuable resources. In addition, the District uses Title I funds for materials and training for parents in areas such as literacy, math, technology and data analysis as well as training educators to work with parents.

1.12. No Child Left Behind

The Elementary and Secondary Education Act (ESEA) P.L. 107-110, also known as the No Child Left Behind Act, significantly changed many Federal education programs, including Title I. Districts are now required to notify parents annually of the following provisions of the law.

Teacher Qualifications:

Parents have the right to request information regarding the professional qualifications of their child's teacher annually, including, at a minimum:

- Whether the teacher has met State credential or license criteria for grade level and subject matter taught
- Whether the teacher is teaching with an emergency credential or other provisional status
- The baccalaureate degree major of the teacher and any other graduate certification or degree held
- Whether the child is provided services by paraprofessionals, and, if so, their qualifications.

Additionally, paraprofessionals supported by Title I funds must meet the following criteria:

- Complete two years of higher education study, or
- Obtain an Associate's or higher degree, or
- Pass a formal State or local academic assessment that demonstrates knowledge of and the ability to assist in teaching reading, writing, and mathematics or reading, writing, and mathematics readiness.

Program Improvement Schools:

A school that fails to demonstrate adequate yearly progress (AYP) for two consecutive years will be identified as a Program Improvement School. In order for a school or district to make AYP, it must have:

- A sufficient proportion of its students performing at or above the proficient level on the statewide assessment overall and for each significant subgroup;
- At least a 95% participation rate overall and for each significant subgroup;
- A growth Academic Performance Index (API) of at least 710 or at least one point of growth; and
- A graduation rate that increases one tenth of one percent until the school reaches 100%.

Any school that has been identified for Program Improvement must promptly notify parents as follows:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools in the District and the State;
2. The reasons for the identification and an explanation of what the school is doing to address the problem of low achievement;
3. An explanation of what the District or State educational agency is doing to help the school address the achievement problem;
4. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
5. An explanation of the parents' option to transfer their child to another public school, with transportation provided, or to obtain supplemental educational services for the child, as applicable.

1.13. English Language Learners

More than forty languages are spoken by students in the District. English Language Learners may choose a Spanish Bilingual program, Spanish/English Dual Immersion or Structured English Immersion. These programs are in full compliance with the law. Parents have the option of signing a waiver if they do not want any of these programs for their child.

According to law, parents of limited English proficient (English Learner) students participating in a language instruction program shall be notified, not later than 30 days after the beginning of the school year, of the following:

- the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- how such programs will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school, if applicable;
- in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child;
- information pertaining to parental rights.

Structured English Immersion Program (SEIP):

English Language Learners are placed with a classroom teacher who has the credentials to provide English Language Development (ELD) and sheltered instruction in the core content subjects (literature, history, science, and math).

Students in grades 6-12 receive one or two periods of daily English Language Development in a classroom setting, according to their level of English language proficiency. They also receive sheltered instruction in other core subjects. Students who are non-English speaking are given priority for support from primary language instructional assistants when possible.

Bilingual Programs:

Rosa Parks and Cragmont (grades 1-5), and LeConte (K-5) elementary schools and Longfellow Middle School (6-8) offer Two-Way Immersion programs (Spanish/ English). Thousand Oaks offers a transitional bilingual program (K-5) which provides students instruction in the core subjects in

Spanish while teaching them English Language Development. The goal of both these programs is for students to be bilingual and biliterate.

1.14. Office of Family Engagement and Equity

Research has consistently shown that when schools and families work together to support learning, everyone benefits: students do better in school and in life, parents become empowered, schools get better, communities grow stronger. To that effect, the Office of Family Engagement and Equity aims to build school, home and community partnerships to establish more inclusive and culturally informed support networks for parents, encourage parent advocacy and promote parental involvement in their children's education.

The Office of Family Engagement and Equity together with family engagement site coordinators strives to equip parents with necessary information, skills, and ability to effectively navigate the school system, support their children's success in school and engage them in school leadership opportunities. The family engagement site coordinators also provide direct support to parents and caregivers in need of resources or information to address concerns about their children and conduct parent outreach efforts for events and programs.

1.15. Berkeley Links Enrichment, Academics, and Recreation to the Needs of Students (LEARNS) After School Program

The Berkeley LEARNS After School Program supports children in reaching their full potential by providing academic support, recreational activities, and enrichment classes in a safe and structured environment. Berkeley LEARNS is offered at every BUSD elementary school except Jefferson (which has another program) and all three middle schools. The program operates as soon as students are released from the school day until 6:00 p.m. Monday through Friday, when school is in session.

The program provides an academic support hour Monday through Thursday, which includes homework assistance and opportunities for continued development of literacy and math skills through hands-on activities. Tutors are available for added support at many sites through partnerships with UC Berkeley divisions, including Stiles Hall and Cal Corps, and Berkeley School Volunteers. Cultural enrichment opportunities are provided by program staff and contracted specialists. The range of classes includes: Visual and Performing Arts, Music, Life Skills, Science, and more. Personal growth is encouraged through competitive and non-competitive sports by building teamwork and a healthy competitive spirit, developing relationships, and having fun. Through the partnership with the City of Berkeley we are able to offer our elementary students an enhanced athletic program. The middle school programs include recreational sports and interscholastic athletic teams. Berkeley LEARNS enrollment fees are on a sliding scale that is based upon family income. For additional information please call 883-6146.

1.16. Berkeley's Excellent Academic Road to Success (BEARS) Extended Day Childcare

BEARS is a District-run child development program that serves elementary students at seven schools (Berkeley Arts Magnet, Jefferson, John Muir, LeConte, Malcolm X, Rosa Parks, and Washington). BEARS is a fully subsidized program that offers child care at no or low cost for families who qualify under State guidelines. BEARS offers year-round child care, both before and after school as well as all day during breaks and summer. Students receive homework assistance and engage in enrichment and recreational activities. BEARS classes are taught by Child Development Teachers and Instructional Assistants. For additional information, please call 644-7770.

1.17. Faculty Meetings and Collaboration Time

Every elementary school, middle school and Berkeley Technology Academy, will schedule early dismissal every Wednesday in order to provide additional time for teachers to work together. Berkeley High School

schedules "Late Start" every Monday morning for this same purpose. Ongoing professional development has proven to be one of the most effective ways to improve student achievement.

1.18. Library Services

Every school has a library that is staffed by a library paraprofessional and/or a credentialed teacher-librarian. Students visit their library with their classes and also on an individual basis. BUSD recognizes that reading for pleasure and for informational needs (i.e., research projects, classroom assignments and individual curiosity) is a key component to success in future years. Our school library resources can be accessed at <http://www.berkeley.net/library-services/>

1.19. Music Program

The district wide Music Program begins in third grade with weekly classes. Students learn rhythm, tempo, note reading and improvisation while singing and playing recorders and Orff pitched percussion instruments. After an introduction to the instrument options, fourth grade students select chorus or an instrument to study for two years. Fourth and Fifth grade music classes are held twice a week and the district loans instruments to students for a small fee. It is expected that students practice their instruments at home regularly to be prepared for class lessons and school concerts. After school classes and tutoring are available at most K-5 schools provided by The Music Connection from UC Berkeley.

In middle school students may choose Concert Band, Symphonic Band, Orchestra, Jazz Band, Modern Music or Chorus as an elective. The emphasis in middle school music is on working together as an ensemble as well as improving instrumental skills and techniques. Some after-school programs offer music classes. At Berkeley High School students may enroll in Band, Orchestra, Jazz Lab Band, Jazz Ensemble, Guitar, or Chorus as well as AP Music Theory. Students may choose to participate in Pep Band and join student-led collaborations such as jazz combos or the pit orchestra for the musical. The middle and high school groups attend regional and statewide competitions and festivals. For both middle and high school ensembles, participation in evening concerts is a mandatory component of the program. Grades 5-12 perform at the District Performing Arts Showcase in March (March 23, 2014).

1.20. Sex Education

Students, at various times in their education in the Berkeley Unified School District, will receive sex education instruction that is age/grade appropriate. The curriculum includes instruction on human sexuality, family life, Sexually Transmitted Diseases, pregnancy prevention, including abstinence, and HIV and AIDS prevention education. Parents/guardians will be provided written notification prior to the instruction taking place and have the opportunity to view materials and/or request that their child not participate in a unit of instruction.

1.21. Alcohol, Tobacco, and Other Drug (ATOD) Prevention Education

ATOD prevention education is offered at every BUSD middle school and high school. BUSD middle school 7th and 8th grade science teachers offer lessons using Project Alert, a research-based curriculum. Berkeley High School and B-Tech use the research-based curriculum, Project Towards No Drug Use. BUSD middle schools and high schools also provide school-wide educational activities related to ATOD prevention and offer counseling support related to ATOD issues for students, when needed. Parent support related to ATOD concerns is also available at the secondary schools. BUSD elementary schools will begin implementing the research-based curriculum, Too Good For Drugs, in 5th grade classes this school year.

2. Student Admissions

2.1. The Enrollment Process

The Admissions and Attendance Office handles all student assignments for grades K-12. Outlined below is the enrollment process.

- **Continuing Students:** Berkeley residents who are presently attending an elementary or middle school will automatically be able to remain at their current school. Students wishing to change schools must fill out a Parent Preference Form indicating their first, second and third choice of schools for the next year. If space is not available at any of their choices, they will remain at their current school. Current fifth graders at all schools must fill out a preference form indicating their choices of middle school.
- **New Students:** Parents of students who are entering Berkeley's schools must fill out an enrollment form and list their preferences for schools. Along with the enrollment form, parents must submit the student's birth certificate and three proofs of Berkeley residency. Acceptable proofs include a PG&E bill, EBMUD bill, telephone bill, cable bill, a bank statement, and a driver's license. Each proof of residency, other than the driver's license, must be less than two months old and have the parent's name and address on it. Home visits to verify addresses may be done on a random basis. Under state law, parents may request any school in the district; however, first priority will be given to families who live in the school's attendance zone. Students transferring from another district should also submit a report card or transcript from the student's previous school.
- **Non-Resident Students:** Students who are not Berkeley residents may request enrollment in Berkeley schools on an inter-district permit, if approved by the school district where they live and by BUSD. Inter-district permits must be renewed each year. However, no student attending on an inter-district permit will be placed until the permit renewal is received. Under Berkeley's enrollment system, priority for enrollment is given to all Berkeley residents before inter-district students are admitted. Due to overcrowding, permits are limited.

2.2. Enrollment Priorities

Students will be admitted to schools in accordance with six district-established priorities. When there are more applicants than space at a given school, the district will fill those spaces through a random computer selection – a lottery – of those applicants. Priorities may be affected by socio-economic factors (parent income and parent education level) and ethnicity.

Priority One: Berkeley residents currently attending the school and living in that attendance zone.

Priority Two: Berkeley residents currently attending the school and living out of the attendance zone.

Priority Three: Berkeley residents who are siblings of any student currently in attendance on the basis of priority one or two above, and who will continue to be in attendance for the 2012-13 school year. Where space is limited, in any given grade level at any given school, all siblings of priority one students will be taken before any siblings of priority two students.

Priority Four: Berkeley residents not currently attending the school and who live in the attendance zone.

Priority Five: Berkeley residents not currently attending the school and who live outside of the attendance zone and BUSD employees who do not reside in Berkeley.

Priority Six: All non-Berkeley residents requesting inter-district transfers.

3. Attendance

3.1. Attendance

California law requires that all children ages 6-18, not otherwise exempted or excluded, attend school full time. Parents are legally responsible for their child's attendance at school during the entire school year. Parents of truant students may be held civilly and criminally accountable for their child's truancy.

3.2. Absences

When your child is absent from school, please phone the school office as soon as possible. Some school sites have separate phone numbers to report absences. When leaving a message regarding your child's absence please provide the following information:

- Student's name
- Date(s) absent
- Grade/ teacher
- Your name and your relation to child
- Daytime phone number
- Reason for absence

Please be aware that the State does not reimburse the District for any absence. Every day a student is absent results in a loss of revenue to the District. The District is still required to keep accurate records of student attendance and reasons for absences. Per Education Code 48205, excused absences include absences due to: illness, medical appointments, funeral services for a member of the immediate family, jury duty, time with a member of the immediate family who is on active duty, and attendance at religious retreats (four hours per semester maximum).

Unexcused absences may affect a student's academic standing.

Please contact your child's principal, vice-principal, or dean if you know that s/he is going to be absent for an extended period of time of a week or more. Short-term independent study may be approved by the Principal, depending upon the circumstances. Short-term independent study for a period of more than 21 calendar days must be requested in writing, indicating 1) the reason for request 2) the date of departure 3) and the date of return. The request must be submitted to the Director of Student Services for consideration. Completion of independent study will help your student's academic achievement and will allow the District to collect ADA funds for the student. **Note: the District discourages families from taking vacations at times that cause students to be absent from school and will not approve independent study for purposes of vacations or other family trips that are not urgent.**

3.3. Dismissal Due to Illness

A child may be sent home early from school if s/he is ill, or appears to be suffering from an infectious or contagious disease. Parents/ guardians or emergency contacts listed will be contacted to pick up the child.

3.4. Truancy

State law requires that a child between the ages of 6 and 18 attend school. Pursuant to Education Code 48260, any student subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the District's attendance supervisor.

- **Habitual Truant:** A pupil is deemed a *habitual truant* if s/he is reported as a truant three or more times per school year. However, no pupil shall be deemed a habitual truant unless an appropriate

district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil.

- **School Attendance Review Board (SARB):** Any student deemed a habitual truant shall be referred to the School Attendance Review Board (SARB). The purpose of the SARB is to work collaboratively with the students and their families, and explore and utilize suggested interventions that will be successful for the pupil involved. Should SARB determine that its intervention services are insufficient or inappropriate to correct the truancy, or the pupil does not follow SARB's directions, then a referral may be submitted to the district attorney or county probation office.

3.5. Student Records

The District shall maintain a complete, permanent cumulative record on each student. These records are housed at the student's current school and maintained by the school secretary, registrar, or records clerk. Parents/guardians of students under eighteen (18) years of age have the right to inspect all of the school records of their children, including cumulative, guidance, and health records.

3.6. Emergency Cards

It is vitally important that parents fill out new student emergency cards every fall in order to have the most current contact information as well as the current status of any health conditions or medications. **A separate form is required for each medication.** Please contact the school office for the required forms, and update these forms should any of the information change during the school year.

4. Health and Safety

Your child's health impacts his/her ability to attend school and reach his/her full academic potential. In order for the District to provide a safe and healthy environment for your child, we need to be informed of any health or medication needs on an ongoing basis. All related paperwork for the health requirements listed below can be obtained from your child's school site.

4.1. Student and Family Privacy Rights

Board Policy mandates that personal information concerning students and their families should be kept private in accordance with the law. Parents have the right to exempt their children from participating in (a) surveys that request personal information, and/or (b) physical exams or screenings. For example, every other year the District administers the California Healthy Kids Survey, a confidential and anonymous survey to students in grades 5, 7, 9 and 11 to help schools assess student health-related behaviors. Parents will be notified in writing in advance of this survey, as well as any other health surveys or screenings, and the procedure to opt out will be clearly explained.

4.2. Administration of Medication

Students who need to take medication (prescribed or over-the-counter) during the school day may be assisted by designated school personnel or allowed to self-administer certain medication as long as it is in accordance with law, Board policy, and administrative regulations. Berkeley High students receive these services at the Health Clinic on campus. It is necessary for the district to have a written statement from the student's physician and a written statement from the student's parent/guardian before (1) a designated employee administers or assists in the administration of any prescribed medication to any student; or (2) any student is allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication during school hours.

Please see Board Policy 5141.21 on page 30 for more information.

The form on the following page should be filled out and signed by your child's physician and the parent.

MEDICATION AUTHORIZATION

RETURN COMPLETED FORM TO SCHOOL

WITH GUARDIAN AND HEALTH CARE PROVIDER SIGNATURES

Student's Name: _____ Date of Birth: _____

School: _____ Grade: _____ Room/Teacher: _____

PARENT/GUARDIAN AUTHORIZATION:

When the district has received written orders from the student's physician and written permission from the parent/guardian, designated personnel shall assist students who are required to take medication during the school day. All medication must be delivered to the school by the parent/guardian in an **original container and appropriately labeled** by the pharmacy. Parents/guardians can request that the pharmacist dispense two bottles of medication, one for home and one for school. Written permission must also be provided for students to carry and self-administer prescribed medication such as asthma inhalers and EpiPens. (CA Education Code 49423; BUSD Board Policy 5141.21).

I request and authorize designated school personnel to assist my child with medication administration in accordance with our health care provider's written instructions below. I will notify the school immediately and submit a new form if there are changes in any of the information provided. I authorize school personnel to consult with our Health Care Provider about my child's medical needs as necessary. I understand that I can terminate this consent at any time.

Parent/Guardian signature: _____ Date: _____

Telephone: (home) _____ (work) _____ (cell) _____

HEALTH CARE PROVIDER AUTHORIZATION:

Name of Medication or Treatment	Reason	Dosage	Route	Time	Refrigerate? (Y/N)	Self-Administer?	Self-Carry? (Y/N)
					<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes, supervised <input type="checkbox"/> Yes, unsupervised	<input type="checkbox"/> No <input type="checkbox"/> Yes
					<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes, supervised <input type="checkbox"/> Yes, unsupervised	<input type="checkbox"/> No <input type="checkbox"/> Yes
					<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes, supervised <input type="checkbox"/> Yes, unsupervised	<input type="checkbox"/> No <input type="checkbox"/> Yes
					<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes, supervised <input type="checkbox"/> Yes, unsupervised	<input type="checkbox"/> No <input type="checkbox"/> Yes

Diagnosis/Significant Findings: _____

Allergies (Medication and other substances): _____

Health Care Provider signature: _____ Date: _____

Address: _____ Telephone: _____

This request is valid for a maximum of one year.

4.3. Special Care Plans

Students with conditions requiring special care during their school day must have a care plan on file to guide designated school personnel in procedures required for the student's health and safety. The district can provide forms for plans for diabetes, seizures, asthma, and severe allergies, to be completed by the student's medical provider on at least an annual basis and as the child's care needs change.

4.4. Medical Emergencies

If your child is in need of minor first aid, it will be administered in accordance with District first aid training. If medical attention appears to be necessary, but not required immediately, the parent/guardian or other listed emergency contacts will be contacted to pick the child up. Should immediate medical attention be necessary, the school will call an ambulance. Every effort will be made to contact the parent or other emergency contact person(s).

4.5. Immunizations and Other Health Requirements

To be admitted to school, children must be fully immunized in accordance with the law. Children shall be excluded from school or exempted from immunization requirements only as allowed by law.

Parents are required to provide documentation that their child has been immunized against the following:

- Haemophilus Influenza (Hib) children under 5 years old
- Polio
- Measles, Mumps and Rubella (MMR)
- Diphtheria, Tetanus and Pertussis (whooping cough)
- Hepatitis B
- Varicella (chickenpox) 1 dose or physician documented varicella disease meets requirement for kindergarten entry
- 7th – 12th Grade Students: all entering students must provide proof of a pertussis-containing vaccine (whooping cough) booster (e.g. Tdap) on or after their 7th birthday and a second measles (or MMR) shot. Two doses of Varicella (chickenpox) are recommended; for those vaccinated as a child with only one dose should get a second dose now.

NOTE: effective January 1, 2014 (AB 2109), a letter of affidavit from a specific practicing health professional indicating consultation for parents, guardians of students who desire not to be immunized due to the fact that the immunization(s) is contrary to his or her beliefs is required in order to opt out of the immunizations required by law.

Parent permission must be given in writing before any child can participate in any immunization program sponsored by the District.

Physical Examination

California State Law requires students have a physical examination within eighteen (18) months prior to entering first grade or within ninety (90) days after entry. Parental waivers are available under certain conditions. Free periodic health assessments are available to low-income children through the CHDP Program. If you need assistance getting low-cost insurance for children and youth please contact Berkeley Public Health Division CHDP Program at (510) 981-5333.

Oral Health Assessment Requirement

California law requires that children have an oral health assessment (dental checkup) by May 31 in either kindergarten or first grade, whichever is his or her first year in public school. Assessments that have been done within the 12 months before your child enters school also meet this requirement. The law specifies that a licensed dentist or other licensed or registered dental health professional must do the assessment. Parent waivers are available under certain conditions. If you need assistance

finding a low-cost pediatric dental provider please contact Berkeley Public Health Division at (510) 981-5300.

4.6. School Linked Health Services Program

There may be times when families or the District have concerns about a child's health or safety at school. The District's partnership with the City of Berkeley School Linked Health Services program can assist elementary school families with resources and referrals for a variety of health-related issues. These include health/dental insurance, health care providers, consultation on health-related issues, and health education workshops for students, families and staff. Call Berkeley Public Health at 981-7677 for more information.

In order to provide the highest level of service possible, the District requests that you consider signing a *Parent Authorization for Release of Information to the City of Berkeley Public Health Division*. This consent form allows the District to share your child's information contained on his/her Student Emergency Card, Immunization Record, and results from health screenings conducted at school with the School Linked Health Services program. Staff may contact you to offer assistance with follow-up medical or dental appointments, and referrals for no/low cost health insurance. This form is sent home with each student at the beginning of the school year and consent expires one year from the date of signature.

4.7. Safety Drills and Procedures

Each school site is required to hold regular fire, earthquake, and lockdown drills. The purpose of these drills is to provide students and staff practice with evacuation, lockdown, and shelter-in-place procedures. Additionally, each site has a comprehensive school safety plan, which includes emergency preparedness, available for review.

4.8. Use of Pesticides

Pesticides are not used in Berkeley Schools. Should a situation arise where pesticide use is unavoidable, signs are posted 24 hours in advance of the pesticide application and remain in place 72 hours after the pesticide application.

4.9. Nutrition Services

The District is dedicated to serving the most delicious/nutritious food available. The District uses natural and organic products when possible, serves fresh fruits and vegetables every day, and has salad bars in all of our schools. All of our food is freshly prepared. Free and reduced price lunches are available for income eligible families. The district has eliminated the \$.40 associated with the reduced cost for lunch, so if your family is approved for reduced benefits, your children will eat lunch at no cost to the parents.

The District has implemented a Universal Breakfast Program at all of our schools, providing breakfast for every student at no cost.

4.10. Sexual Harassment

Sexual harassment is against the law in all schools in California (Education Codes 200, 212.6, 48900.2). Sexual harassment is also in violation of Berkeley Unified School District Board policy. All forms of sexual harassment, whether student to student, staff to student, or student to staff, are unlawful at BUSD schools. (Note: Education Code 48900.2 does not apply to students in grades K – 3.)

Definition of Sexual Harassment

Sexual harassment includes verbal, visual or physical conduct of a sexual nature which may have a negative impact upon the victim's academic or work performance or create an intimidating, hostile, or offensive educational/work environment.

Specific Examples of Sexual Harassment

Sexual harassment may include, but is not limited to:

1. Unwelcomed written, verbal, physical, and/or visual contact with sexual overtones such as slurs, jokes, touching, blocking movement, sexual cartoons or drawings, and obscene language.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Sexting (sending sexually explicit photos or text), or electronic postings with sexual overtones on FaceBook, Twitter, YouTube, or other media.

Sexual Harassment by a *Student*: Action Steps for Victims and Witnesses

If a student or staff member is sexually harassed by a student, the victim may tell the student who has engaged in sexual harassment to stop, if the victim feels comfortable doing so. In addition, any student or school staff member who has been sexually harassed by a student and any student or staff member who has witnessed a student engaging in sexual harassment must report the incident immediately to a responsible adult (vice principal or principal).

Consequences for *Students* Who Engage in Sexual Harassment

Consequences for a student who has engaged in sexual harassment can include any of the following actions depending upon the severity of the harassment and whether or not the student has previously engaged in serious misbehavior: Counseling, conferencing with the student and parent/guardian, a written apology, a referral to student court, restorative justice (Note: does not include mediation, meetings, or other contact with the victim), detention or in-school suspension, suspension, expulsion, and a police report.

Sexual Harassment by a *Staff Member* (or Other Adult): Action Steps for Victims and Witnesses

Any student or school staff member who has been sexually harassed by a school staff member or any adult at school and any student or staff member who has witnessed an adult engaging in sexual harassment must report the incident immediately to a responsible adult (vice principal or principal).

Consequences for *Adults* Who Engage in Sexual Harassment

Consequences for a staff member who has engaged in sexual harassment can include personnel action including a verbal and written reprimand, a referral to counseling, reassignment, termination of employment, or other disciplinary action, a suspension or revocation of professional credentials, and a police report. In addition, an adult who engages in sexual harassment can face civil and criminal consequences.

Support for Victims of Sexual Harassment

Retaliation towards a student or staff member who reports that they have been sexually harassed is illegal. Reasonable efforts will be made to maintain the confidentiality of anyone who reports sexual harassment. Students who have been sexually harassed can get support from the school counselor or administrator. Staff members who have been sexually harassed can get support through BUSD's Employee Assistance Program.

For further information, please see BUSD's Sexual Harassment Policy in Sections 9.11 and 9.12

4.11. Surveillance Cameras at Schools

For the safety of students and staff, surveillance cameras that include video only (no audio) are installed in several locations at some elementary schools, at every middle school and high school in BUSD, and at the adult school. Surveillance cameras are not located inside any school bathrooms or locker rooms. Surveillance videos are viewed by school administrators and safety officers and may also be viewed by police and used as evidence in disciplinary matters when there is evidence that a crime has occurred.

5. Student Discipline

As stated in the California Code of Regulations, Title 5 (5 CCR) Section 300, it is the duty of pupils to conform to school regulations, obey all directions, be diligent in study, be respectful to teachers and others in authority, and refrain from the use of profane and vulgar language. Thus, all students are expected to follow the rules and codes of conduct established by the school site. Students who do not adhere to school rules are subject to disciplinary action.

5.1. Grounds for Suspension and Expulsion

Suspension, including supervised (in-school) suspension, shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil may be suspended for any of the reasons enumerated in Education Code 48900 upon a first offense, if the Principal or Superintendent (or designee) determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons. In accordance with Education Code Section 48900, a pupil shall not be suspended from school or recommended for expulsion unless the Superintendent or the Principal (or designee) of the school in which the pupil is enrolled determines that the pupil has:

- a. (1) Caused, attempted to cause, or threatened to cause, physical injury to another person; or (2) willfully used force or violence upon the person of another, except in self-defense.
- b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of the possession of such object, the pupil has obtained written permission to possess the item from a certificated school employee, which is concurred by the Principal or the designee of the Principal.
- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance, as defined in Section 11007 of the Health and Safety Code; an alcoholic beverage; or intoxicant of any kind.
- c. Unlawfully offered, arranged, or negotiated to sell any controlled substances, as defined in Section 11053 of the Health and Safety Code; an alcohol beverage; or any intoxicant of any kind and then either sold, delivered, or otherwise furnished to any person another liquid substance, alcoholic beverage, or intoxicant and represented it as a controlled substance, alcoholic beverage, or intoxicant.
- d. Committed, or attempted to commit robbery or extortion.
- e. Caused or attempted to cause damage to school property or private property.
- f. Stole or attempted to steal school property or private property. (School property, as referenced in f) and g) includes, but is not limited to, electronic files and databases.)
- g. Possessed or used tobacco, or any product containing tobacco or nicotine products, including but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, or betel.
- h. Committed an obscene act or engaged in habitual profanity or vulgarity.
- i. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- j. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- k. Knowingly received stolen school property or private property.
- l. Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in

physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

- m. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed sexual battery as defined in Section 243.3 of the Penal Code.
- n. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- o. Unlawfully offered, arranged to sell, negotiated to sell, or sold prescription drugs.
- p. Engaged in, or attempted to engage in hazing.
- q. Engaged in an act of bullying, including, but not limited to bullying by means of an electronic act, towards a pupil or school personnel.
- r. Aided or abetted the infliction or attempted infliction of physical injury on another person.

or

- Committed sexual harassment that has a negative impact on another's academic performance, or creates an intimidating, hostile or offensive educational environment (applies to grades 4-12 only) (ec 48900.2)
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (applies to grades 4-12 only). (ec 48900.3)
- Intentionally engaged in harassment, threats or intimidation, directed against school district personnel or pupils. (ec 48900.4)
- Made terroristic threats against school officials, school property, or both. (ec 48900.7)

No pupil shall be suspended or expelled for the acts listed here unless such act is related to school activity or school attendance. A pupil may be suspended or expelled for acts which are listed in this section and related to school activity or attendance which occur at any time, including but not limited to any of the following: (1) while on school grounds; (2) while going to or coming from school; (3) during the lunch period, whether on or off the campus; or (4) during or while going to or coming from a school sponsored activity.

Teachers who suspend a student from their class are required to report the suspension to the Principal (or designee) and request a conference with the parent/guardian.

5.2 Expulsion Recommendation

Mandatory

Per Education Code Section 48915 (c), the Principal of the school (or designee) shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds. The Governing Board shall order a pupil expelled upon finding that the pupil committed an act listed in Education Code Section 48915(c):

- a. Possessing, selling or otherwise furnishing a firearm;
- b. Brandishing a knife at another person;
- c. Unlawfully selling a controlled substance;
- d. Committing or attempting to commit a sexual assault or a sexual battery as defined in subdivision (n) of section 48900;
- e. Possession of an explosive.

Discretionary: Particular Circumstances or Alternative Means of Correction to Address the Conduct

Per Education Code Section 48915(a)(1), the Principal of the school (or designee) or the Superintendent shall recommend a pupil's expulsion for

any of the following acts unless the Principal (or designee) or Superintendent finds that expulsion should not be recommended due to the circumstances or that an alternative means of correction would address the conduct:

- a. Causing serious physical injury to another person, except in self-defense.
- b. Possession of any knife or other dangerous object of no reasonable use to the pupil.
- c. Unlawful possession of any controlled substance, as listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis or the possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- d. Robbery or extortion.
- e. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school district employee.

5.3. Due Process

Students facing major disciplinary action (such as suspension or expulsion) have a right to a fair hearing. The process requires that procedures be established in order to guarantee that penalties that deny access to any educational opportunity are administered for good and just cause. Due process procedures entitle students to: 1) oral or written notification of the charges; 2) an explanation of the evidence; 3) an opportunity to present his/her side of the story; and 4) a right to appeal decisions resulting in major disciplinary action to the next higher authority by using the complaint process. The procedures are designed to ensure that corrective action, if any, is taken only after a thorough examination of the facts. The nature of the corrective action must be reasonably related to the nature and circumstances of the violation.

5.4. Safe Schools & Violence Prevention

Each school site is responsible for the development of a comprehensive school safety plan. Parents may participate in the development of these comprehensive school safety plans as members of the School Governance Council (SGC), which is responsible for the development of the plan. The School Governance Council may delegate the responsibility to a committee with specified members (Education Code section 35294.1(b)). Such a committee would be known as the School Safety Committee. This comprehensive school safety plan shall be evaluated and updated annually and amended as needed.

6. Home to School Transportation

6.1. District Buses

Policy: Home to school bus transportation is provided within attendance zones to all elementary school students who live beyond a one and one-half (1 ½) mile walk boundary. Some transportation is also provided to certain Special Education students. Parents who wish to enroll their students in a school outside of their attendance zone must provide their own transportation. The District does not provide regular home to school transportation for middle school or high school students.

Conduct: The Transportation Department is dedicated to providing courteous and professional service and to ensuring the safety of all students. Parents are requested to review these rules with their children. A clear understanding of the rules and support from families will help the District provide a safe ride for all students.

- Cooperate with the driver.
- Talk quietly and respectfully to each other and to the driver.

- Enter and exit the bus in an orderly fashion.
- Stay in your seat.
- Keep the aisles clear at all times.
- Keep your hands to yourself.
- Do not hit, hurt or bother any other student; do not fight.
- Do not throw anything on the bus, at the bus, or out of the bus.
- Do not put arms, hands, head, or any other body part outside the window.
- Do not eat on the bus.
- Keep the bus clean.
- Do not damage the bus or tamper with bus equipment.
- Do not bring pets or any other animals on the bus. Exception: Guide, Service or Signal Dogs.
- Do not smoke.

6.2. Discipline Process

Drivers will discuss the bus rules and other safe riding practices, including instruction in the required emergency procedures. When discipline problems occur on the bus, drivers will discuss these issues with a supervisor and when possible, attempts will be made to call the parent or guardian. The drivers may also discuss the problem with site staff.

Certain serious offenses, including fighting, injury to others, serious disregard for safety, disrespectful behavior toward the bus driver, destruction of district property, etc. may result in an automatic suspension of bus riding privileges after one incident. Continued disorderly conduct or persistent refusal to submit to the authority of the bus driver shall be a sufficient reason for a pupil to be denied transportation. (5 CCR 14103)

6.3. Walking to School or the Bus Stop

Parents whose children walk to school or the bus stop are encouraged to do the following:

- Discuss the safest route to and from school or the bus stop.
- Map out the route selected.
- Walk the selected route with your child so that s/he can become familiar with it.
- Discuss the meanings of the traffic signals and markings along the route.
- Talk about why it is safer to cross at corners and to always use crosswalks.
- Help your child understand the importance of cooperating with police and crossing guards.
- Teach children to stop, look, and listen before crossing the street.
- Teach them to always walk across the street, to never run and to continue to look for vehicles.
- If your child has a good understanding of right and left, introduce him/her to the concept of looking left-right-left before crossing.
- Remind your child not to approach the vehicles of strangers for any reason.
- Encourage and praise your child for following guidelines for walking every day.
- Above all, set a good example for your children – their actions and attitudes are modeled after yours!

6.4. Bicycling

For BUSD students who are old enough and responsible enough, bicycling is a healthy way to get to school. It also minimizes pollution and negative environmental impacts.

Basic Bike Safety Principles

Below are five Basic Bike Safety Principles. Please be sure your children understand and apply these rules.

1. Pay attention—anticipate other people's actions.
2. Be visible—don't try to hide from cars. Wear bright colors; use lights and reflectors.
3. Learn to coexist with motorists and other road users.
4. Be predictable—let others know what you are doing.
5. Allow enough time—avoid rushing and making mistakes.

You can find a suitable bicycle route on the online map listed at: www.ci.berkeley.ca.us/transportation/Bicycling/bicycling.html or in the school office. In addition, some schools provide bicycle parking, such as secure bicycle cages and racks.

Additional Safety Measures

Children should master basic bicycling skills, e.g., steering, braking, stopping, balancing, and have some experience riding in normal on-street traffic, before bicycling to school. When bicycling to school, parents are encouraged to address the following:

1. Determine a safe route to the school by accompanying your children on bicycles. That way you can ensure that they are familiar with the routes and that they observe standard traffic safety rules and etiquette. Accompany children until you are confident that they are responsible enough to bicycle alone to school.
2. Make sure your child wears a properly fitted helmet in accordance with State Law. When accompanying your child, wear your own helmet.
3. To prevent theft or vandalism, seek secure parking spaces on school campus. For students at Berkeley High School, the Bike Station at the Downtown Berkeley BART station has free and secure parking. See www.bikestation.org/berkeley/index.asp

6.5. Driving Your Child to School

In November 1999, the BUSD school board adopted a resolution to reduce traffic congestion around our schools, thereby providing a safer environment for our students. In order to accomplish this, the Board encourages the use of alternative modes of travel, such as walking, bicycling, carpooling and mass transit. There are individualized school site traffic safety plans to help parents and students choose the best alternatives. Traffic plans are developed for each school site so that parents and neighbors know the bus routes and passenger loading areas for students. In order to improve safety for all of our students, please comply with these directions from your child's school concerning traffic flow, car parking, and drop off zones.

The primary concern for school and district staff is that each child is safe at school and while traveling to and from school. Parents who drive their children to school should take extra precautions while operating vehicles near school grounds. The City of Berkeley has designated both bus loading zones and passenger-loading zones at most schools. These zones are designated primarily to ensure student safety. Vehicles must drop off and pick up children in the passenger-loading zone only. Passenger loading zones are not designated for parking at any time. Kindergarten parents are encouraged to park their cars at appropriate street parking and to walk children to the classroom.

The City of Berkeley Parking Enforcement Division will issue traffic citations to anyone not observing posted signs or practicing general safety procedures. Officers are posted at each school site on various days of the

week to observe student drop off procedures. Citations will be issued for anyone:

- Parking in the red curb zone
- Parking on a sidewalk
- Double parking
- Illegally stopping or parking in the disabled zone

Officers taking license plate numbers issue citations automatically. Citations are then mailed to the address of the registered owner.

7. Technology in the Schools

The Berkeley Unified School District provides technology equipment in many classrooms, laboratories and libraries through the District, and provides access to the Internet in all of our schools. The administration and school staff believe strongly in the educational value of electronic media and recognize its potential to support the curriculum and student learning. The District's goal in providing technology and Internet services is to promote educational excellence by allowing access to data bases from all over the world and by facilitating resource sharing and communication via e-mail. The technology resources of our schools must be used in a manner that conforms with the school's educational purposes and environment.

The District makes every effort to protect students from any misuse or abuse as a result of their experiences using the Internet. The District requires that all students and staff using District technology agree to the terms and conditions of the *Acceptable Use Agreement*. The complete policies for both elementary and secondary students are found in Section 9 of this Handbook. Please review the appropriate policy with your child. It is important that students understand the policy as violation of the policy may result in disciplinary action against the student. No student will be allowed to use District computers unless a signed copy of the *Acceptable Use Policy* is on file with the classroom teacher or technology resource teacher.

8. Parent/Community Involvement & Communication

8.1. School Visitation

It is the policy of the Board of Education and the practice of District staff to encourage parents and guardians to visit school sites and classrooms to observe the work of the schools. The Board of Education and District staff believe there is no better way for the public to learn what the schools are actually doing.

All visitors to school sites must report to the school office when entering, and receive authorization to visit elsewhere in the school site. Unauthorized persons will not be permitted in school buildings or on school grounds. School principals are authorized to take appropriate action to prevent such persons from entering buildings and from loitering on grounds. Such persons will be prosecuted to the full extent of the law per Education Code section 32211 and Penal Code 653 (g) and 647 (b).

Information about a student will only be given to parents/guardians and designated adults in accordance with State and Federal laws and Board policy.

8.2. Parent Teacher Conferences

Formal Parent Teacher Conferences for Kindergarten through 8th grade students' parents/ guardians will be held in November. The purpose of this conference is to meet individually with the teacher to discuss progress to date and the first report card of the year. Parents/guardians are encouraged to request additional conference appointments with their

child's teacher as the need arises. Please follow school site procedures for setting up appointments with your child's teacher.

8.3. Back to School Night

Back-to-School Night, scheduled in September at each school in Berkeley, is an opportunity for parents/guardians to meet their child's teacher(s), to get an overview of the grade level curriculum, and to learn more about the school from the principal.

8.4. Parent Outreach

Many schools have parent liaisons whose focus is to equip parents with necessary information, skills, and ability to effectively navigate the school system, support their children's success in school and engage them in school leadership opportunities. Staff also provides support to parents and caregivers in need of resources or information to address concerns about their children.

8.5. Homeless Education Assistance

The McKinney-Vento Homeless Education Assistance Act requires school districts to remove all barriers to enrollment, attendance and school success for homeless students. Assistance to homeless students and families is provided by the Office of Student Services. Students and families identified as homeless are provided with enrollment assistance, transportation to/from school, school supplies, supplementary academic supports, case management and referrals to outside agencies. Contact BUSD's McKinney-Vento Counselor at 644-6529 for information regarding assistance for homeless students.

8.6. Parent Teacher Association (PTA)

Most schools have a parent organization that comes under the umbrella of the state PTA. The PTA usually sponsors several events annually, including fundraising activities and parent education nights. The PTA also coordinates after school classes, room parents and volunteers, publishes school newsletters and directories, organizes teacher lunches, and serves as a forum for parental concerns. At Berkeley High School, the PTSA includes students as members.

8.7. School Site Committees

School Governance Council (SGC)

This committee is a combination of the former School Site Council (SSC) and BSEP Site Committees. The School Governance Council is charged with developing, reviewing, and evaluating annually a *Single Plan for Student Achievement*, which addresses:

- Student achievement
- Opportunities for enrichment
- Special needs of identified students
- Staff development
- Program evaluation
- Program expenditures

The SGC establishes priorities for educating all of the school's students by conducting a needs assessment and analyzing student and program data. The SGC then allocates the school's discretionary monies (e.g., State and Federal Program categorical funds, Berkeley Schools Excellence Program [BSEP] funds and other monies) to accomplish the goals and objectives of its plan. Members of the SGC include the principal, teachers, classified staff, parents, other community members, and at the secondary schools, students. Members of each group are selected by their peers. Elections for membership are held annually at each school; the meetings are open to the public. Decisions made by the School Governance Council affect the school experience of every student.

English Learner Advisory Committee

State compliance regulations require that all schools with 21 or more English Learner (EL) students have a functioning English Learner Advisory Committee. This committee is comprised of parents of EL students, as well as the site principal and staff. This advisory committee meets monthly to accomplish the following mandates:

- review the school plan for services to EL students
- conduct a needs assessment
- review the language census
- give input on the EIA/EL budget; and
- increase parent awareness of the importance of school involvement.

A member of this committee represents the school on the District English Learner Advisory Committee (DELAC). Translation services for these meetings are available upon request to the site principal.

8.8. District Level Committees

District English Learner Advisory Committee (DELAC)

This committee is comprised of representatives from each site's ELAC, District and site staff, and community members. Their primary role is to review the Consolidated Application, to receive information on state and federal regulations, and to address issues related to the quality of services. This committee is responsible for ensuring parental involvement. Translation at these meetings is available. For additional information, contact the Office of Family Engagement and Equity at 644-8991.

BSEP Schools Excellence Program and the BSEP Planning & Oversight Committee (BSEP P&O)

The *Berkeley Public Schools' Educational Excellence Act of 2006* (Measure A of 2006) is a local special tax which provides over \$20 million each year for the enhancement of our school programs. The majority of BSEP monies is used to hire more classroom teachers, enabling the district to maintain smaller class sizes, with district wide averages of 20 students in grades K-3; 26 students in 4th and 5th grades and 28 students in grades 7-12.

The BSEP Measure provides much more, including: counseling services for middle school students; 4th-8th grade music and visual and performing arts programs; up-to-date libraries in all K-12 schools; technology equipment and support; professional development for teachers; a program evaluation department and a public information office. The BSEP Measure also provides School Discretionary funds to the schools which each school's School Governance Council (SGC) allocates to programs which support student achievement

The BSEP program is overseen by the BSEP Planning and Oversight Committee (P&O), a citizens' committee with representatives from every school, selected by each school's School Governance Council. The role of the P&O Committee is to assist the District in developing plans and budgets for each of the BSEP programs, and to monitor the expenditures of BSEP funds. The P&O Committee representatives also provide communication and coordination among schools, sharing ideas to ensure the effective use of BSEP. Serving on the BSEP Planning and Oversight Committee is an excellent way to obtain an overview of how the district functions, and to help ensure that BSEP funds are used properly and to good purpose.

Bond Oversight Committee

The charge of the Bond Oversight Committee is to provide enhanced accountability to the Berkeley community by ensuring that monies from the Berkeley Schools Construction Bonds of 2010, 2000 and 1992 (Measures I, AA and A respectively) are spent in accordance with the Measures and the Board approved modifications. The Committee meets monthly to review whether projects are contained within the Measure I language, review audits, scrutinize project expenditures, review construction program

modifications, and produce an annual report. They advise the Board of any concerns with regard to the expenditures or progress of construction projects and present an annual report. Information about the Committee is available at 644-6066 and on the BUSD website.

Facilities Maintenance & Security Oversight Committee

The charge of the Facilities Maintenance & Security Oversight Committee is to provide enhanced accountability to the Berkeley community by ensuring that monies from the Berkeley Schools Facilities Safety and Measures Act of 2010 and 2000 (Measures H and BB respectively) are spent in accordance with the Measure. Measure BB, passed in November 2000, funds the BUSD Maintenance Department, essential maintenance, and safety work in the District. Measure H implementation begins on the completion of Measure BB. The Committee reviews the District's administration of and compliance with the terms of the Measure and provides input into annual and long-term goals for maintenance and security of the District's facilities. The Committee reports to the Board of Education and advises them of concerns and matters related to BUSD maintenance. Information about the Committee is available at 644-6250 and on the BUSD website.

Berkeley Arts in Education Steering Committee

The Berkeley Arts in Education Steering Committee (BAESC) welcomes parents, teachers, arts organizations and community members. Meeting bi-monthly during the school year, BAESC believes that regular, sequential standards-based instruction in all four arts – dance, drama, music and visual arts – is essential for all students in BUSD schools. To achieve this goal, the committee seeks resources and partnerships to make quality arts instruction equitable and accessible. BAESC works to provide a stable infrastructure for the district's art programs by assessing existing programs and facilities and supporting the BUSD Arts Education Plan. Committee members make reports to the Board of Education and lend support for the annual Performing Arts Showcase.

Audit Committee

The Audit Committee functions as a budget oversight committee and is comprised of five members: two Board members appointed by the Board President, and three members of the community whose skills are deemed sufficient by the Board to enable them to carry out their duties effectively.

8.9. Website

The District website, maintained by the Public Information Office, is a valuable resource with information about:

- School Sites
- Enrollment procedures
- Test scores
- Board of Education agendas and meetings
- Calendars
- Demographic information
- Employment opportunities
- Facility updates, and
- State and national resources for parents and students

Visit the website often: <http://www.berkeleyschools.net>

8.10. Distribution of Materials

Any organization that wishes to distribute materials to students or staff or post notices in schools must obtain prior approval from the Executive Assistant to the Superintendent.

8.11. Berkeley Public Schools Fund

The Berkeley Public Schools Fund (formerly the Berkeley Public Education Foundation) is a non-profit organization that mobilizes financial and volunteer resources to directly support student success through excellent teaching. With support from individuals, businesses, government and

foundations, the Schools Fund is able to provide over \$200,000 annually in direct grant support for teachers and their classrooms; manage another \$200,000 in special projects funds for programs and teachers; administer the Berkeley School Volunteers program; and serve as a catalyst, facilitator, advocate and fundraiser for public education within and outside the District. With the Schools Fund's help, students and teachers travel throughout the Bay Area on field trips; enjoy working with visiting art, dance and theater professionals; use various technology tools or supplemental curriculum materials to support reading, math, science and social studies; have bookshelves replenished with engaging fiction and non-fiction selections—and many other educational enrichment opportunities.

The School Fund's Berkeley School Volunteers (BSV) program engages some 1,500 community volunteers to assist in the schools. BSV, fully funded by the Schools Fund, has authority from BUSD to recruit, train, and place volunteers from the community with teachers and staff who have requested volunteer assistance. Annually, BSV volunteers give the equivalent of at least \$1 million in donated time and talent. BSV's diverse programs make volunteering in our schools easy for even the busiest of community members. From writing a monthly "Lit Pal" letter to tutoring regularly in classrooms, BSV volunteers make an invaluable contribution to teachers, students, and public education in Berkeley!

For more information about the Schools Fund programs, or to make a donation, please visit their website at www.berkeleypublicschoolsfund.org, contact the Schools Fund at (510) 644-6244 or email at schoolsfund@berkeley.net. For information about volunteering, please call (510) 644-8833 or email at bsv@berkeley.net.



9. Policies and Procedures

9.1. Non-Discrimination Statement

It is the policy of the Berkeley Unified School District that no qualified person shall on the basis of actual or perceived race, color, religious creed, sex, gender, sexual orientation, age, marital or parental status, ancestry, national origin, ethnic group identification, disability, medical condition, or any other basis made unlawful by federal, state or local laws, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity in the Berkeley Unified School District. This nondiscrimination policy complies with the requirements of Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Act of 1990 and other federal and state laws. Coverage applies to admission and access to, and treatment and employment in, District programs and activities, including vocational education. The lack of English language skills will not be a

barrier to admission and participation in vocational education or any other District program.

Students, parents/guardians or others having questions or concerns regarding the Berkeley Unified School District nondiscrimination policy or the filing of discrimination complaints should contact:

Title IX Coordinator

Delia Ruiz, Assistant Superintendent, Human Resources

2020 Bonar Street, Room 206A Berkeley, CA 94702 Phone: (510) 644-6150

504 Coordinator

Dr. Susan Craig, Director, Student Services

2020 Bonar Street, Room 112 Berkeley, CA 94702 Phone: (510) 644-6316

9.2. Board Policy 5020: Parent Rights and Responsibilities

The Governing Board 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)

adopted: May 21, 2003

9.3. Board Policy 6020: Parent Involvement

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or

designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

Title I Schools

Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC 6318.

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities.

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC 6318.

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502.

adopted: December 13, 2006

9.4. Board Policy 5121: Grades/Evaluation of Student Achievement

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy and administrative regulation. (Education Code 49066)

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system.

Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests and portfolios.

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Students in grades K-8 shall receive standards-based evaluations rather than letter grades in order to give parents/guardians more information about their children's developmental levels and also promote students' self-esteem and experiences of success.

Grade Point Average (GPA)

The Superintendent or designee shall recommend to the Board the methodology to be used in calculating students' grade point averages.

Adopted: September 2009

Revised: January 11, 2012

Administrative Regulation 5121: Grades/Evaluation of Student Achievement

Grades for Achievement

Grades for achievement at the high school level shall be reported for each marking period as follows with the addition of plus/minus signs if appropriate:

Grade	Description	Grade Point
A	Outstanding Achievement	4.0 grade points
B	Above Average Achievement	3.0 grade points
C	Average Achievement	2.0 grade points
D	Below Average Achievement	1.0 grade points
F	Little or No Achievement	0 grade points
I	Incomplete	0 grade points

At the K-8 level, teachers report each student's mastery of the standards in each subject each marking period.\

Grade	Description
4	Advanced
3	Proficient
2	Approaching
1	Below

Middle school teachers also report each student's habits of work using the same four-point scale.

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

Progress reports that indicate a grade range (A/B, B/C, C/D, or D/F) in each high school course or numeric ratings for each middle school course shall be mailed to parents of all secondary students at the mid-point of each marking period.

An Incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete in any high school subject shall become an F.

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests.

Pass/Fail Grades

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian notification, receive a Pass or Fail grade instead of an A-F grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive an F grade shall not receive credit for taking the course, and the grade shall be included in calculating the Grade Point Average.

Repeating Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, and the two grades shall be averaged in determining the student's overall grade point average. If a student received credit for completing a course with a grade of D or higher, s/he may only receive elective credit for repeating the course.

Withdrawal from Classes

A student who drops a course during the first fifteen school days of the semester may do so without any entry on his/her permanent record card. A student who drops a course between the sixteenth day and the end of the seventh week of the semester shall receive a W grade on his/her permanent record. A student who drops a course after the seventh week of the semester shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school;
2. A verified court appearance or related court-ordered activity.

Approved: September 2009, Berkeley, California

Revised: January 11, 2012

9.5. Board Policy 5123: Promotion/Acceleration/Retention and Assignment

The District is committed to the early identification of students at risk of retention in the belief that early detection and intervention enhance the potential for success. Student's academic progress is based upon meeting a range of expectations for promotion including academic grade level standards, course requirements, state, and local assessments. Students

performing outside this range may be considered for acceleration, assignment, or retention.

The law requires that the classroom teacher(s) recommend that a student be retained. A Student Study Team process may be used to consult and review decisions regarding promotion, acceleration, assignment, or retention. Intensive instructional programs will be provided to students who are recommended for retention or identified as being at risk of retention.

Promotion at the elementary level is based on the student meeting minimum grade level standards in Reading, Language Arts and mathematics. At the middle school level, promotion is based on student's earning credits. The promotion of high school students is based upon the completion of graduation requirements and credit status.

Adopted: April 2001

Administrative Regulation 5123: Promotion/Acceleration/Retention

I. Definition of Terms

When implementing the Promotion, Retention, and Assignment Policy, the following definitions of terms shall be used:

- a. **Promotion** shall be defined as the advancement to the next higher grade level for a student who has met or exceeds the criteria for promotion as defined by the district's adopted indicators of achievement.
- b. **Assignment** shall be defined as students who have not met the criteria for promotion, as defined on district adopted indicators of achievement may be assigned to the next grade.
- c. **At-Risk of Retention** shall be defined as a student experiencing serious difficulty in meeting grade level standards. At-risk students are eligible for Intensive Instructional Support Programs that focus on improving student academic achievement.
- d. **Retention** shall be defined as a student remaining in the grade level s/he is currently enrolled in for a subsequent year because it is decided that s/he does not meet the minimum district wide grade level criteria for assignment and will make significant academic progress by remaining in the current grade level. This decision is typically made after academic deficiencies and appropriate progress is not made in meeting grade level standards.
- e. **Acceleration** shall be defined as the process of advancing an exceptional, high-achieving student at a more rapid rate than year-by-year promotion.
- f. **Age-Appropriate Advancement** shall be defined as the process of advancing an over-aged student at a more rapid rate than year-by-year advancement. This definition also includes the advancement of a student from elementary to middle school level outside the usual time frame for promotion or assignment.
- g. **Reclassified** shall be defined as high school student's grade level status as a result of not earning sufficient units to be on schedule for promotion to the next grade.
- h. **Grade Level Standards** are the state and district standards that determine minimum and mastery performance of students at each grade level.
- i. **Criteria for Retention** shall be defined as not meeting performance standards on identified indicators of achievement and other classroom/social indicators.
- j. **Intensive Instructional Support Programs** shall be defined as supplemental instruction for students in grades 1-9 who have been

retained or are at risk of being retained as defined by the district's multiple measures.

- k. **Student Study Team** shall be defined as a group of professional staff (principal, teachers, support personnel), the student's parent/guardian, and the student when appropriate, who explore strategies and interventions to support the student's academic, social, and emotional growth.

II. Procedural Guidelines

For Promotion, Assignment, Retention, Acceleration, Age Appropriate Advancement, Administrative Placement, and Intensive Instructional Support Programs, the following criteria and procedural guidelines shall be implemented:

- a. **Promotion:** Students who meet the criteria for promotion shall be promoted.
- b. **Assignment:** Students who have not met the criteria for promotion, as defined on district adopted indicators of achievement may be assigned to the next grade when:

Elementary

The recommendation of the teacher or the Student Study Team is that the student will not benefit from another year at the same grade level, or

The student has been previously retained in the elementary grades.

Middle School

The recommendation of the English and/or mathematics teacher is that the student will not benefit from another year at the same grade level, or

The student has been previously retained in the middle school grades.

If a student is assigned from middle school to high school and is not at grade level in English or mathematics, s/he will be required to attend an Intensive Instructional Support Program.

Any student assigned to the next grade will be required to attend Mandatory Summer School.

C. Retention

1. **General Criteria for Retention:** The minimum criteria that will be used to identify all students who are at-risk of retention or who shall be retained include a composite score of multiple assessment measures. The minimum assessments that shall be used for identification are:

- Annual district wide multiple assessments that measure mastery of instructional standards at the student's grade level.
- Grades/Rubrics
- Assessment results on standardized testing (SAT-9 in total reading and mathematics)
- Social Emotional factors listed below

Elementary:

The decision to retain shall be made by the classroom teacher based upon the student's grades and district adopted indicators of achievement. A student with no elementary retention history who has not met the minimum criteria for assignment to the next grade shall be retained unless the student's regular classroom teacher, after considering additional non-academic factors that can contribute to a successful retention, determines, in writing, that repeating the grade is not the appropriate intervention for the student's academic deficiencies. Factors to be considered must include:

- Academic success in reading, mathematics, or other academic areas
- Student attitude about retention

- Parent support for retention
- Chronological age
- Maturity
- Physical size
- Social adjustment
- Ability level
- Availability of alternative programs
- Previous/possible interventions

This determination shall specify the reasons that retention is, or is not appropriate for the student and shall include recommendations for interventions that are necessary to assist the student in attaining acceptable levels of academic achievement.

If the teacher's recommendation for assignment is contingent on the student's participation in Mandatory Summer School or an interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or assign the student shall be reevaluated at that time. The parents/guardians and the home school principal shall meet before any final determination of retention is made.

If a decision to retain is made, the classroom teacher shall put it in writing on the final report of the student and an Individual Retention Plan shall be developed. Such plan should include an evaluation of the student's needs as well as recommended strategies to help him/her reach specific academic goals.

Middle School:

A sixth, seventh or eighth grade student in a middle school who has earned at least 10 out of 12 or 12 out of 14 credits per year, met state, district, and teacher's standards, and passed all English and mathematics courses with a C or better shall be promoted.

Any student who receives a D in English and/or mathematics will be strongly recommended to attend an Intensive Instructional Support Program and/or Mandatory Summer School. Any student who receives a D in Algebra or a higher level mathematics course must repeat the course and earn a C or higher in order to advance to the next level.

Any student not enrolled in a six-period day will have specific course completion requirements identified by the Student Study Team and approved by the Principal.

Any student receiving than an F in English and/or mathematics is considered failing the course and will be assigned to an Intensive Instructional Support Program, including but not limited to Mandatory Summer School.

A student receiving an F in an English or mathematics course may receive credit in the course by scoring a "Proficient" or higher rating on the California Standards Test in English (grades 6, 7, 8) or mathematics (grades 6, 7, 8). If credit is earned through one of these tests, the failing in the course will remain on the transcript. There will be a notation on the transcript of a pass grade for the English/mathematics examination.

2. Timeline for Notification of Being at Risk of Retention:

When a pupil is identified as being at risk of retention, a parent shall be notified as early in the school year as possible. Initial notification will take place no later than at the completion of the first full grade cycle the student attends, at which time an individualized intervention plan will be developed with the parent/guardian. Second notification will take place at the completion of the second full grading cycle. Third notification along with recommendations for Mandatory Summer School and fall placement will take place in April.

At any time during this process a parent/guardian can request a conference with his/her child's teacher, or request a Student Study Team.

D. Intensive Instructional Support Programs: A student who does not meet the minimum criteria for promotion shall be required to participate in Supplemental Intensive Instructional Programs that are age appropriate and designed to meet the needs of the participants.

Elementary

Classroom Intervention Strategies: Interventions within the school day may include, but are not limited to, purposeful regrouping for specific skills, differentiated instruction, and intensive instructional time in language arts and/or mathematics.

Students in grades 1 through 3 who have not met the designated reading level, and student's in grades 4 and 5 who have not met the designated Reading, Language Arts and mathematics levels on the Pupil Progress Report after the first full grading cycle shall be identified as at-risk and eligible for Intensive Instructional Support Programs. Retained students shall be required to participate in Intensive Instructional Support Programs.

Students who have been retained during the previous school year will have first priority and students who were at risk of being retained during the previous school year will be given the second priority for enrollment in Intensive Instructional Support Programs.

Middle School

Interventions within the school day may include supplemental reading and mathematics classes in lieu of electives, purposeful regrouping for specific skills, differentiated instruction, and intensive instruction for English Language Learners (ELL).

E. Acceleration: A student may be accelerated to a higher grade level when the student demonstrates exceptionally high levels of academic achievement, social and emotional maturity. The wishes of the student and parent and the long-range effect on the student shall be important considerations before advancement takes place. No student will be advanced without the approval of his/her parent/guardian, the recommendation of the Student Study Team, and the approval of the Superintendent or designee.

F. Age-Appropriate Advancement: Students who are over-age due to prior retention or late entry into school may be advanced with the recommendation of the classroom teacher in consultation with the Student Study Team. The wishes of the student and parents and the long-range effect on the student shall be important considerations before advancement takes place. No student will be advanced without the approval of his/her parent/guardian and the consultation of the Student Study Team. In addition, the student will be assigned to mandatory summer school.

G. Administrative Placement: Administrative Placement may be used for new students with no records or for students who do not meet the criteria for promotion. The principal or designee may place the student in the grade determined most likely to result in academic success and a positive social adjustment, after an evaluation of the following criteria:

- The student's chronological age
- The student's/parent's description of prior school experience
- Results of initial site level assessments
- Classroom performance after initial placement
- The final decision for student placement rests with the principal

H. Student Study Team: A Student Study Team may be utilized at each site at the request of the teacher, parent, or administrator. This process involves professional staff, the parent/guardian, and students as appropriate, and ensures follow up and monitoring of intervention strategies. The team evaluates the academic, social, emotional, and physical development of the student in reaching its decisions.

III. High School Procedural Guidelines for Credits and Promotion

- a. Based on the current graduation requirements of 220 credits, students should earn fifty-five (55) units to maintain grade level credits towards graduation.
- b. Credit in a course is earned if the student receives a grade of D or better. However, any student receiving a D or F in any mathematics or foreign language course is required to repeat the course and earn a C or higher in order to advance to the next level. Any student receiving a D or F in a college prep science course at the end of the fall semester may not be allowed to continue in the course.
- c. Any student receiving an F in English, mathematics, history and/or science shall be strongly recommended to attend an Intensive Instruction Support Program and/or Mandatory Summer School, or s/he will be deficient credits towards high school graduation.

IV. Monitoring Procedures for High School Students in Danger of Not Graduating in Four Years

- a. Students who have not earned sufficient units to progress toward graduation are notified by mail annually prior to the start of the school year.
- b. In the spring of each year, each student meets with his/her counselor to review the student's progress toward meeting graduation requirements. The following year's schedule is determined by the student, with guidance from the counselor, and approved by the parent and Principal/designee.
- c. If a student has not made sufficient annual progress toward meeting graduation requirements, s/he may be required to attend an Intensive Instructional Support before/after school, on Saturdays, or during the summer.

V. Appeal Process

Grade Level Retention

To appeal a retention decision, the appealing party shall submit a written request to the principal specifying the reason(s) for the appeal. The appeal must be initiated within five (5) school days of the notification of retention. The principal shall respond to the appeal within fifteen (15) school days with one of three recommendations.

- Uphold Retention
- Deny Retention
- Set aside retention pursuant to fulfillment of remediation agreement.

The principal's decision may be appealed by submitting a written appeal to the Superintendent/designee within ten (10) school days. Within fifteen (15) school days of receipt of a written appeal, the Superintendent/designee shall decide the appeal. The Superintendent/designee's decision may be made on the basis of documentation prepared as part of the appeal process, or at the discretion of the Superintendent/designee, s/he may meet with the appealing party, the teacher and the principal to decide the appeal.

Advancement to the Next Level in a Subject Area

Students in math or foreign language must receive a C or better to go on to the next semester in the progression. An appeal process for course placement is available.

VI. English Learners

Students who are classified as English Language Learners (ELL) are expected to meet criteria for promotion or make progress toward graduation. However, standardized test scores will not be used as criteria for ELL students. In addition, ELL students may receive special accommodations and should not be retained strictly on the lack of fluency in English. Consideration for retaining English Language Learners should take place when students are making satisfactory progress in meeting English Language Development Standards. To the greatest degree possible, all English Language Learners should have access to the core curriculum through sheltered instruction.

VII. Special Needs Students

Students with special needs will have their education objectives, including decisions on promotion, defined through their Individual Education Plan (IEP). This plan will describe the conditions by which the student will take standardized tests and alternative classroom tests and assessments. If modified or differential criteria are set, they will be stated in the IEP.

The case manager for the Special Education student shall ensure that the Regular Education teacher is aware of criteria for promotion/retention for each Special Education Child.

VIII. Monitoring Results of the Policy

- a. Data in promotion, retention, and assignment of students will be gathered annually and presented to school principals.
- b. Each principal will review the data for their school and the district with their staff as part of the planning for the School Improvement Plan.

Adopted: April 2001; Revised June 2003

9.6. Board Policy 5125.2: Damaged or Lost Instructional Materials

Parents/guardians assume responsibility for their students' lost or damaged instructional materials, including textbooks, sports equipment, science lab equipment and library books.

When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due. If reparation is not made, the District may withhold the student's grades, diploma, or transcripts.

If the student and parent/guardian are unable to pay for the damages or return the property, the principal or designee shall provide a program of voluntary work for the student to do, or other means of resolution. Once resolved, the student's grades, diploma or transcripts shall be released.

Approved May 21, 2005

9.7 Board Policy 3513.3: Tobacco-Free Schools

The Governing Board recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

The 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 instructional program, activity, or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Adopted: May 21, 2003, Revised February 1, 2006

9.8. Board Policy 5131.6: Alcohol and Other Drugs

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances. The Board perceives this effort as an important step towards preventing violence, promoting school safety, and creating a disciplined environment conducive to learning.

The Superintendent or designee shall develop a comprehensive prevention and intervention program that includes instruction, referral to a rehabilitation program, enforcement/ discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations, and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

The Board expects staff to conduct themselves in accordance with the district's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate. The Board also encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

Instruction

The district shall provide preventative instruction, which helps students avoid the use of alcohol and other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social, personal and health consequences of drug and alcohol use, promote a sense of individual responsibility, and inform students about effective techniques for resisting peer pressure to use alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

Intervention, Referral and Recovering Student Support

The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms, which may indicate alcohol and other drug use, and about appropriate agencies

offering intervention programs, counseling, and rehabilitation for students and their family members. The district shall help recovering students to avoid re-involvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy, and administrative regulations.

Students possessing, using or selling alcohol or other drugs or related paraphernalia at school or at a school event shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy, and administrative regulations. Such students also may be referred to an appropriate rehabilitation program.

Adopted: May 21, 2003

9.9. Board Policy 5131: Electronic Signaling Devices

Students in grades K-8 will be allowed to carry electronic signaling devices at school with the following stipulations:

1. The school will not be responsible for lost, stolen, or damaged electronic signaling devices.
2. Electronic signaling devices are to be shut off at the start of school, and may be turned on again at the end of the school day.
3. At all other times, including but not limited to class time, passing periods and break, electronic signaling devices shall be turned off. Electronic signaling devices shall not be left on in vibrating mode.
4. Use of electronic signaling devices at any time during instructional time will result in confiscation and possible disciplinary action.

Students in grades 9-12 will be allowed to carry electronic signaling devices at school with the following stipulations:

1. Students bring electronic signaling devices on campus at their own risk. The high school is not responsible for lost, stolen, or damaged electronic signaling devices.
2. Students shall be allowed to use electronic signaling devices before and after school, during that student's break and lunch period only.
3. At all other times, including but not limited to class time and passing periods, electronic signaling devices shall be turned off and out of sight. Electronic signaling devices shall not be left on in vibrating mode.
4. Students that use electronic signaling devices during class time, passing periods, or whose electronic signaling device rings in class shall be subject to confiscation of the electronic signaling device, with the device being turned in to the administration. The administration shall determine when and how the device will be returned and not be responsible for lost, stolen, or damaged devices.
5. Students using their electronic signaling device(s) for inappropriate reasons, as determined by the school administration, shall have their

electronic signaling device(s) confiscated and be assigned the appropriate consequence.

Adopted: June 4, 2003

Acceptable Use Agreement For Electronic Resources & The Internet

Berkeley Unified is pleased to be able to offer students access to computer technology, the Internet, and certain online services including Google for Education and the Berkeley Moodle site. Berkeley Unified recognizes the potential of computers, personal electronic devices, and the Internet to enhance student learning and increase communication among the school community. To this end, Berkeley Unified encourages the responsible use of computers, computer networks including the Internet, and other personal electronic devices on campus. This Agreement covers the use of computing devices that may include, but are not limited to, cell phones, personal digital assistants, digital cameras and video recorders, electronic recording devices, netbook, laptop, tablet, and desktop computers, or any other device with computer or network capabilities.

The school's information technology resources, including email and Internet access, are provided for educational purposes. Adherence to the following policy is necessary for continued access to the school's technological resources. Users will be provided access to the Internet in accordance with the District Internet filtering and blocking measures. Every effort is made to log and monitor all web traffic for inappropriate or offensive content. As necessary, the Berkeley Unified technology staff will make determinations on whether specific uses of the network or personal electronic devices are consistent with our acceptable use policy (AUP).

Violations of these rules may result in disciplinary action, including the loss of a user's privileges to use the school's information technology resources.

Acceptable use and General Rules of Usage

Users must respect and protect the privacy of others by:

- Using only assigned accounts. Users shall only use accounts assigned to them and shall not attempt to log into accounts or systems for which they do not have authorized access.
- Not intentionally seeking information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.
- Refrain from distributing private information about others or themselves. This includes student and staff addresses, phone numbers, email addresses, and other identifying information.

Users must respect and protect the integrity, availability, and security of electronic resources by:

Not engaging in any of these prohibited activities:

- Using any of the District's systems, network or technology resources for any unlawful purpose.
- Creating proxies or other methods of circumventing district filters.
- Using the network or personal electronic devices to intentionally access or process pornographic or adult sites with explicit sexual content or other inappropriate or derogatory material.

Inappropriate texting or messaging is prohibited even on personal devices. Online gaming, if not approved by your teacher for a classroom project, is prohibited.

Destroying or damaging data, networks, or other resources that do not belong to them, without clear permission of the owner. Malicious use of the District's systems or technology resources to develop or use programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.

Downloading or copying software, music, videos or other files unless explicitly for a class project without approval of the teacher. This prohibition includes freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software.

Installing software without the permission of both the Technology Department and the teacher.

Reporting security risks, violations of this AUP, and computer or computer or network malfunctions to a Berkeley Unified staff member.

Conserving, protecting, and sharing these resources with other users. No use of the District's systems or technology resources shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed or abused in any way. Modifications to system configurations are prohibited. Plugging in wireless access points or other devices into the network is prohibited unless approved and authorized by Technology Services. Use of the network or personal electronic devices to intentionally access or process files dangerous to the integrity of the local area network is prohibited.

Users must respect and protect the intellectual property of others by:

Obeying Copyright Laws: Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except when duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law.

Citing sources when using others' work (not plagiarizing).

Users must respect and practice the principles of community by:

Reporting threatening, indecent or inappropriate materials to a teacher or administrator.

Not intentionally accessing, transmitting, copying, or creating material that violates the school's code of conduct (such as messages/content that are pornographic, racist, homophobic, threatening, rude, discriminatory, or meant to harass).

Not intentionally accessing, transmitting, copying, or creating material that is illegal (such as obscenity, stolen materials, or illegal copies of copyrighted works).

Not using the resources to further other acts that are criminal or violate the school's code of conduct.

Avoiding spam, chain letters, or other mass unsolicited mailings.

Refraining from buying, selling, advertising, or otherwise conducting business, unless approved as a school project.

Users may, if in accord with the policy above:

Design and post content to web pages including posting to online learning websites like the Berkeley Moodle Site. All content submitted will be licensed under a Creative Commons non-commercial license.

With the permission of the classroom teacher, while in a classroom and for instructional purposes, students may communicate electronically as part of a collaborative learning environment via tools such as email, chat, text, or videoconferencing.

Supervision and Monitoring

School and network administrators monitor the use of information technology resources to help ensure that users are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. They may also use this information in disciplinary actions, to collect monetary payment for damages, and will furnish evidence of crime to law enforcement.

Remember, the computer you work on will be used by other students each day for years.

Maintain computers at Berkeley Unified by not tampering with mice, keyboards or the computers.

9.10. Board Policy 5141.21: Administering Medication and Monitoring Health Conditions

Definitions

Designated school personnel may include any individual employed by the district who has consented to administer the medication or otherwise assist the student, and who may legally administer the medication.

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians that students who need to take prescribed medication during the school day may be assisted by designated school personnel or allowed to self-administer certain medication as long as the district receives written statements from the student's physician and parent/guardian in accordance with law, Board policy and administrative regulation.

The Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a non-episodic condition of the following requirements:

The parent/guardian is required to inform the site administrator or other designated employee of the medication being taken, the current dosage and the name of the supervising physician.

With the parent/guardian's consent, the site administrator or other designated employee may communicate with the student's physician regarding the medication and its effects, and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

Parent/Guardian Responsibilities

Before a designated employee administers or assists in the administration of any prescribed medication to any student or any student is allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication during school hours, the district shall have a written statement from the student's physician and a written statement from the student's parent/guardian.

The Medication Authorization form is on page 16 of this document.

The physician's written statement shall clearly:

1. Identify the student

2. Identify the medication
3. Specify the method, amount and time schedules by which the medication is to be taken
4. Contain the name, address, telephone number and signature of the physician
5. If a parent/guardian has requested that his/her child be allowed to self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, confirm that the student is able to self-administer the medication

The parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for the authorized district representative to communicate directly with the student's physician, as may be necessary, regarding the physician's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer or otherwise assist the student in the administration of medication
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement from the physician and to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication
5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time

The Medication Authorization form is on page 16 of this document.

If a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall also:

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if a student suffers an adverse reaction as a result of self-administering the medication

The parent/guardian shall annually provide the Superintendent or designee a new written statement from himself/herself and the student's physician. In addition, the parent/guardian shall provide a new physician statement if the medication, dosage, frequency of administration or reason for administration changes.

Parents/guardians shall provide medications in a properly labeled, original container along with the physician's instructions. For prescribed medication, the container shall bear the name and telephone number of the pharmacy, the student's identification, name and phone number of the physician, and physician's instructions. Medications that are not in their original container shall not be accepted or administered. Medications shall be delivered to the school by the parent/guardian, unless the Superintendent or designee authorizes another method of delivery.

The parent/guardian of a student on a continuing medication regimen for a non-episodic condition shall inform the site administrator or other designated certificated employee of the medication being taken, the current dosage and the name of the supervising physician.

A parent/guardian may designate an individual who is not an employee of the district to administer medication to his/her child as long as the individual is clearly identified, willing to accept the designation, permitted to be on the school site, and any limitations on the individual's authority are

clearly established. The parent/guardian shall provide a written statement designating the individual and containing the information required above.

Designated Employee/District Responsibilities

The site administrator or other designated school personnel shall:

1. Administer or assist in administering the medication in accordance with the physician's written statement.
2. Accept delivery of medication from the student's parent/guardian, including counting and recording the medication upon receipt.
3. Maintain a list of students needing medication during the school day, including the type of medication, times and dosage, as well as a list of students who are authorized to self-administer medication.
4. Maintain a medication log documenting the administration of medication including the student's name; name of medication the student is required to take; dose of medication; method by which the student is required to take the medication; time the medication is to be taken during the regular school day; date(s) on which the student is required to take the medication; physician's name and contact information; and a space for daily recording of medication administration. The daily record shall contain the date, time, amount of medication administered, and signature of the individual administering the medication.
5. Maintain a medication record including the physician's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student.
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate the administration of medication during field trips and after-school activities.
8. Report any refusal of a student to take his/her medication to the parent/guardian.
9. Keep all medication to be administered by the district in a locked drawer or cabinet.
10. Communicate with the physician regarding the medication and its effects.
11. Counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.
12. By the end of the school year, ensure that unused, discontinued and outdated medication is returned to the student's parent/guardian where possible or, if the medication cannot be returned, is disposed of in accordance with state laws and local ordinances.

Adopted: November 15, 2006

9.11. Summary of The Sexual Harassment Policy

It is the policy of the Berkeley Unified School District (BUSD) to provide an educational environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law.

It is both unlawful and a violation of this policy for anyone who is authorized to recommend or take educational action affecting a student, or who is otherwise authorized to transact business or perform other acts or services on behalf of the BUSD, to engage in sexual harassment as defined under this policy. Within the educational environment, sexual harassment is unlawful and is prohibited between students, between employees and students, and between students and non-employees.

The complete sexual harassment policy is available at school sites and at the BUSD Administration Building, 2020 Bonar Street, in the Human Resources, Educational Services, and Student Services Offices. If questions arise concerning the interpretation of the prohibition against sexual harassment, the methods, and procedures to be followed in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints, you should first contact the Site Administrator (Principal or designee).

- If the issue is not resolved to your satisfaction at the site, and the incident involves **students** only, please contact Dr. Susan Craig, Director, Student Services at 644-6316.
- If the issue is not resolved to your satisfaction at the site, and the incident involves a **BUSD employee**, please contact Delia Ruiz, Assistant Superintendent, Human Resources Department, at 644-6150.

Board Policy 4319.11: Originally Adopted 3/20/85, Revised 7/14/93, 5/21/03, 9/6/06

9.12. Sexual Harassment Policy

POLICY

It is the policy of the Berkeley Unified School District to provide an educational, employment, and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law.

It is both unlawful and a violation of this policy for anyone who is authorized to recommend or take personnel or educational action affecting an employee or student, or who is otherwise authorized to transact business or perform other acts or services on behalf of the Berkeley Unified School District, to engage in sexual harassment as defined under this policy in:

Work Environment

Within the work environment, sexual harassment is unlawful and is prohibited between supervisors and employees, between employees, and between non-employees and employees.

Educational Environment

Within the educational environment, sexual harassment is unlawful and is prohibited between supervisors and employees, between employees, and between non-employees and employees.

PURPOSE OF THE POLICY

This policy is intended to supplement, and not replace, any applicable state and federal laws and regulations. Formal complaints under those laws and

regulations shall be processed through the procedures established by applicable state and federal agencies.

The governing board of the Berkeley Unified School District has developed this policy to:

- Affirm the Board of Education's opposition to sexual harassment in the Berkeley Unified School District;
- Create a learning and work environment in which all persons who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment;
- Establish explicitly the responsibilities of all Berkeley Unified School District employees and students by defining conduct which constitutes prohibited and inappropriate behaviors;
- Create a mandate to develop educational programs designed to help Berkeley Unified School District employees and students recognize, understand, prevent, and take corrective action to end sexual harassment;
- Establish the framework for effective procedures for addressing harassment complaints.

DEFINITION OF SEXUAL HARASSMENT

A. General Definitions

Sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature:

1. Are made either explicitly or implicitly a term or condition of an individual's educational status or employment;
2. Are used as a basis for educational or employment decisions affecting such individual; or
3. Have the purpose or effect of unreasonably interfering with an individual's education or work performance or creating an intimidating, hostile, or offensive educational or working environment.

B. Specific Examples

For the purpose of further clarification, sexual harassment includes, but is not limited to:

Making unwelcome written, verbal, physical, and/or visual contact with sexual overtones. Written examples include but are not limited to suggestive or obscene letters, notes, or invitations. Verbal examples include but are not limited to derogatory comments, slurs, innuendoes, jokes, or epithets. Physical examples include but are not limited to assault, touching, impeding, or blocking movement. Visual examples include but are not limited to leering, gestures, display of sexually suggestive objects or pictures, cartoons, or posters.

Continuing to express sexual interest after being informed that the interest is unwelcome. Reciprocal attraction is not considered sexual harassment in the case of employees but is inappropriate between employees and students

Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. For example, within the work environment either implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship or college recommendation will be denied.

Within the work environment, engaging in implicit or explicit coercive sexual behavior, which is used to control, influence, or affect the career, salary, and/or work environment of another employee. Within the educational environment, engaging in implicit or explicit coercive sexual

behavior, which is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.

Offering favors for employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shirts, recommendations, reclassifications or the like in exchange for sexual favors.

Retaliation Prohibited

The initiation of a complaint of sexual harassment will not reflect on the complainant or witnesses in any way. It will not affect such person's future relationship with the District, his or her employment, compensation, or work assignments, or, in the case of students, grades, class section or other matters pertaining to his or her status as a student in any District program. It is unlawful and a violation of this policy to engage in such retaliation.

Confidentiality

The request of a complainant or witness to not have his/her identity revealed will be honored in accordance with applicable policies, laws, and/or collective bargaining agreements. However, it is understood and shall be made clear to the complainants and witnesses that not revealing the identity of the complainants or witnesses may limit the investigation and the action that may be taken against the harassers or retaliators.

Even when the identities of the persons who make complaints or are witnesses are known, reasonable efforts will be made to maintain their confidentiality. Only those who have need to know, including those taking or investigating the complaint, the alleged target of harassment or retaliation, the alleged harassers or retaliators, and any witnesses will be advised of their identities.

Additionally, reasonable efforts will be made to keep a complaint and the results of the investigation confidential. Persons who may be contacted in the course of investigations of sexual harassment complaints shall be informed that it will be a violation of this policy to disclose the complaint, the identities of the complainant and witnesses, or the nature of the investigation to others. They shall be advised that any retaliation or reprisal against any individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense.

Disciplinary Action

Employees who act in violation of this policy and/or the law may be subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with applicable policies, laws, and/or collective bargaining agreements.

Students who act in violation of this policy and/or the law may be subject to discipline up to suspension or expulsion. Such disciplinary action shall be in accordance with District policy and state law.

COMPLAINT PROCEDURES

Filing

Employees, students, or other individuals who feel aggrieved because of conduct that may constitute sexual harassment are encouraged, but not required, to directly inform the person engaging in such conduct that such conduct is offensive and must stop. It is recognized that power and status disparities between an alleged harasser and a target of harassment may make such a confrontation impossible.

If an aggrieved employee, student, or other individual is unable to communicate directly with the person whose conduct is offensive, or if direct communication has been unavailing or would be inappropriate, the aggrieved employee, student, or other individual may file a complaint in writing with:

- His or her supervisor (in the case of harassment of an employee by an employee);
- His or her site principal or designee (in the case of harassment of a student by a student, a student by an employee, or an employee by a student);
- The site principal or designee associated with the incident (in the case of a site-related incident and harassment by a non-student or non-employee);
- The Director, Personnel Services (for a non-site related incident and harassment by a non-student or non-employee).

The attached complaint form may be used (see Section 10.3). If the form is not used, the information requested on the form should be provided.

Before a written complaint is filed, an aggrieved individual may discuss with the person responsible for taking the complaint whether the alleged conduct is sexual harassment and what options, besides filing a written complaint, are available to the aggrieved individual. The person responsible for taking the complaint will assist the aggrieved individual in determining what action should be taken.

While complaints should be in writing, any complaint received, whether anonymous or not or whether in writing or not, shall be accepted and investigated to the extent possible and appropriate.

An aggrieved individual need not be someone who has been the specific target of harassment. It may be anyone who has been a target of retaliation as a result of a harassment complaint or anyone who has observed sexual harassment or retaliation.

If the person responsible for taking the complaint is not of the same gender as the aggrieved individual, the aggrieved individual may request of the person responsible for taking the complaint that a person of the same gender assist in taking the complaint. If the individual responsible for taking the complaint is the one harassing, the aggrieved person may file the complaint with the individual who is next in line in the appeal process.

Responsibilities of Employees

Employees serving in supervisory or managerial positions who receive complaints or observe harassing or retaliating conduct by or of employees, students or others shall inform the individual responsible for taking the complaint as appropriate.

Investigation

Review and Disclosure of Complaint

The individual responsible for taking the complaint shall review the complaint. As soon as reasonably possible after receipt of the complaint, the student, employee, or other person who is accused of sexual harassment shall be informed of the contents of the complaint.

Complaints Against Students

Upon completion of the investigation of a complaint filed against a student, the site principal or designee shall determine whether the harassment has occurred and, if so, the appropriate corrective action. Corrective action may include counseling, warning, or the initiation of disciplinary procedures against the student.

Complaints Against Employees

Upon completion of the investigation of a complaint filed against an employee, the individual responsible for taking the complaint shall determine whether harassment has occurred and, if so, the appropriate corrective action. Corrective action may include counseling, warning, or the initiation of disciplinary procedures against the employee.

Complaints Against Other Individuals

Upon completion of the investigation of a complaint filed against an individual who is neither a student nor an employee, the Manager,

Personnel Services, or the site principal or designee shall determine whether harassment has occurred and, if so, the appropriate corrective action. Corrective action may include counseling, warning, or such penalties or sanctions against other individuals or parties as may be available to the District given the nature of the contractual or business relationship that may exist with such parties or individuals. Such individuals include visitors to the District and those who have business relations with the District.

Appeal and Disciplinary Procedures

All decisions made under this procedure may be appealed by the aggrieved person to the Superintendent and, thereafter, to the Governing Board.

If the complaint is against a student, the complainant, before appealing to the Superintendent, should appeal to the District Compliance Officer. In the case where a site designee is responsible for the complaint, the complainant should appeal to the site principal before appealing to the District Compliance Officer.

If the complaint is against an employee, the complainant, before appealing to the Superintendent, should appeal to the District Compliance Officer. If the employee is a site employee and the principal of the site has not heard the complaint, the complainant should appeal to the site principal before appealing to the District Compliance Officer.

If the complaint is against an individual who is not a student or employee and the incident occurred on a school site, the complainant should appeal to the District Compliance Officer before appealing to the Superintendent.

Established statutory and District procedures, under which the District has the burden of proof, shall be used in the event the administrative review results in a decision that disciplinary action is necessary.

Since established personnel and disciplinary procedures provide for Board-level review or decision making, the Board of Education will take no action on any complaint until it has been acted upon in accordance with this policy. In this way, employees shall be assured of their due process rights.

Time Limits

A complaint shall be filed as soon as reasonably possible after the conduct in question has arisen. All complaints shall be promptly and thoroughly investigated in a confidential manner. The investigation shall be completed within thirty (30) calendar days. If the complainant has submitted a signed written complaint, a written report summarizing the findings and disposition of the complaint will be provided the complainant within the thirty calendar days.

Special Assistance

It is expected that questions may arise concerning the interpretation of the prohibition against sexual harassment, the methods, and procedures to be followed in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, an aggrieved person may contact the Associate Superintendent, Instructional Services, or the Manager, Personnel Services.

VIII. IMPLEMENTATION AND DISSEMINATION OF POLICY

This policy will be disseminated to all personnel and students at the beginning of the school year. All newly hired district employees and new students will receive a copy of this policy in connection with the orientation of newly hired employees or new students. District employees shall understand and agree to abide by this policy.

The policy shall be prominently displayed at each instructional or work location and shall be incorporated into any institutional publication that sets for the rules, regulations, procedures, and standards of conduct. It shall be included as part of the District's annual notification to parents pursuant to Education Code Section 49080.

The Superintendent or designee shall ensure that every two years supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position.

The District's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination and retaliation.

In addition the Superintendent or designee shall ensure that all employees receive periodic training regarding the District's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the District's complaint procedures.

Education of employees and students about this policy and associated federal and state laws prohibiting sexual harassment shall take place periodically. The objective of this education shall be to foster a better understanding of sexual harassment and of this policy and to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings.

Those responsible for taking complaints of sexual harassment or implementing this policy shall receive training designed to inform them of their duties and responsibilities for handling appropriate all incidents of sexual harassment in the Berkeley Unified School District.

Legal References:

Title XIV Educational Amendments of 1972 (20 USC Section 1681), Title VII, United States Civil Rights Act (42 USC Section 2000 -e-2(a)(1))

United States Equal Employment Opportunity Commission Regulations, 29 FR 1604.11

California Government Code Sections 12940 and 12950, Section 7287.6, Title 2, California Administrative Code, California Education Code Sections 200, 212.6 48900.2

9.13. Anti-Bullying Policy

The Governing Board of the Berkeley Unified School District affirms that every student and staff member has the right to a safe and secure school environment, free of humiliation, intimidation, fear, harassment, or any form of bullying behavior. Furthermore, the Board believes that a healthy, positive psychosocial school environment enhances and increases academic achievement and pro-social development (BP 5030.2), and therefore the prevention, [reduction/elimination], and effective disposition of bullying are fundamental to Berkeley's educational goals. The District, students, families, and staff have an obligation to create an environment that celebrates and respects diversity and human dignity and admonishes bullying behavior. To this end, the District has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as address incidents of bullying and harassment when they occur.

The District will not tolerate bullying – as defined in this policy -- or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the District's jurisdiction whether directed at an individual or group.

To address incidents of bullying and the potential culture that supports such behavior, this policy has the following objectives:

1. Cultivation of a culture of empathy, kindness, respect, and mutual trust among students and between students and staff
2. Creation of a school climate which encourages students to disclose and discuss incidents of bullying, both in their roles as victims, perpetrators and bystanders
3. Demonstration of a commitment to address incidents of bullying by outlining the school response to any such behaviors

The District will communicate its objectives, programs, and procedures to eliminate bullying in its annual parent/student handbook.

Definition

Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the victim's school performance or participation. Bullying is carried out repeatedly; and is often characterized by an imbalance of power.

Indicators of Bullying Behavior

Bullying behaviors may include, but are not limited to, the following:

- Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading hurtful rumors. This policy excludes constitutionally protected speech (Education Code 48950). Speech that poses a threat or danger to the safety of students, employees or District property, or that materially and substantially disrupts the school environment, is not constitutionally protected.
- Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, "panting", pinching, slapping, biting, spitting, or destroying property.
- Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.
- Cyberbullying: Bullying committed by means of an electronic act, the transmission of a communication, including but not limited to, a message, text, sound, or image by means of an electronic device, including but limited to, a computer phone, wireless telephone, or other wireless communication device, computer, or pager.
- Cyberbullying is characterized by deliberately threatening, harassing, intimidating, or in any way, ridiculing an individual or group of individuals; placing an individual in reasonable fear of harm;; posting sensitive, private information about another person without his/her permission; breaking into another person's account and/or assuming another individual's identity in order to damage that person's reputation or friendships.
- Hazing: ritualistic behavior that subjects persons to intentionally mean-spirited, physically or psychologically abusive, or humiliating tasks as a rite of passage or initiation.

Jurisdiction

This policy applies to students and staff on school grounds, while traveling to and from school or a school sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity. It also

includes acts of bullying that take place at any time when the acts have a nexus to school attendance/activities by posing a threat or danger to the safety of students, District property, or materially and substantially disrupting the school environment.

This policy pertains to cyberbullying that is related to school activity or attendance that occurs at any time, including, but not limited to, while on school grounds, while going to or coming from school, during the lunch period whether on or off campus, during, or while going to or coming from, a school sponsored activity, that is directed specifically toward a pupil or school personnel. If the cyberbullying occurs outside of the scope of the District but the school has knowledge of its occurrence, the school will inform the parents/guardians of the students involved.

Bullying and Harassment

Bullying, cyberbullying, and intimidation, may, from time to time, be part of a continuum of student misconduct such as sexual harassment, hate-motivated behavior, assault or child abuse, and, as such, the action of the student or the nature of the incident could be considered a violation of other aspects of student conduct policies and state and federal law.

Bullying based on a person's or group's actual or perceived sex, gender, transgender or gender-identity non-conforming, socio-economic status, their race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, age, sexual orientation, marital or parental status, which constitutes discriminatory harassment, shall be dealt with in accordance with the Nondiscrimination/Harassment Policy (BP 5145.3) as well as with this policy.

Reporting

Students who are the targets of bullying, staff, or any community member who has witnessed bullying, should report the abuse to the principal, the principal's designee, or a trusted school staff member- Staff members, upon receiving a complaint or witnessing bullying, are required to make a report to the principal or principal's designee. While submission of a Bullying Incident Form is not required, the reporting party is encouraged to use the Form which will be made available from the principal of each school and the District office. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Both oral and anonymous reports should be documented and reported by the receiving administrator

If a student/or staff member feels that he/she is the target of cyberbullying, the student or staff member is encouraged to save and print any messages or other posts sent to them that they feel constitutes cyberbullying and to notify a teacher, principal or other employee so that the matter may be investigated.

Investigation

Investigation: Upon receiving a report either directly from the target of bullying, a witness of bullying, or from a teacher or staff member, the principal or principal's designee (or Superintendent/designee) must initiate the Investigation Procedures.

The investigation must be prompt and diligent. All interviews of witnesses, the victim, and the accused shall be conducted separately. During an investigation, all individuals involved must to the extent reasonably possible maintain the confidentiality of the proceedings and the names of the complainant and students involved.

Victim's Rights

The victim of bullying has the right to immediate support, including physical and psychological support. During and after the investigation, a school counselor or other appropriate school personnel should follow-up with the victim and provide the appropriate and necessary support.

Intervention/Discipline

The Principal or designee shall decide the appropriate way to deal with bullying behavior if the investigation has proven that the student who engaged in the bullying behavior has violated this policy. Interventions and consequences must be age-appropriate and equal to the severity of the violation. In dealing with bullying behavior, the designee should regard the bullying behavior and the situation as unique and create an intervention/discipline plan based on the particular characteristics of the situation to ensure that the plan remedies the bullying, decreases chances of retaliation, and helps rehabilitate the student who has engaged in bullying behavior (if appropriate).

Some acts of bullying may be part of a larger pattern of bullying that requires a response either at the classroom, school site, or District levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of bullying may range from behavioral interventions and education up to and including suspension/expulsion, or referral to law enforcement (Suspension and Expulsion/Due Process Policy BP 5144.1)

In addition to the grounds specified in Education Code sections 48900, sections 48900.2, 48900.3, and 48900.4 provide additional authority to discipline a pupil in any of grades 4 to 12, inclusive for conduct that amounts to bullying. (Education Code 48900, 48900.2, 48900.3 and 48900.4)

Education: To prevent bullying, each school site has the obligation to educate students about what bullying is and why it is unacceptable. When possible, teachers should use existing curriculum and materials to emphasize the negative, hurtful effects of bullying. Each school site should prioritize its existing anti-bullying curriculum and seek to enhance anti-bullying education. Furthermore, each school site should educate students in an age-appropriate manner about appropriate use of electronic devices and social media. The District has the obligation to provide materials and curriculum to each school site that requests support.

False Reports and Statements

Intentionally false reports, use of the complaint process, or statement to defame a fellow student or staff member or any illegitimate reason, will result in disciplinary consequences.

Retaliation

Retaliation against a complainant or any individual involved in the investigation of a bullying situation, either by the student who has allegedly engaged in bullying behavior, the friends of the student who allegedly engaged in bullying behavior, or any other individual, is strictly prohibited or is grounds for discipline.

Annual Report to the Board

Each school site will make an annual report to the Director of Student Services in June detailing bullying incidents at the school. At a fall Board meeting, the Director of Student Services will report to the Board on bullying within the District and make recommendations as to how this policy can be more effectively implemented.

Approved: January 25, 2012



10. Complaint Procedures and Forms

As a parent, student, employee or resident, you have a right to address issues you feel were not appropriately handled by the District. Please use the forms in this section according to your specific concern, as described in the chart below. Please file complaint forms at the following location:

Student Services Offices
 Berkeley Unified School District
 2020 Bonar Street, Room 112, Berkeley, CA 94702

<i>If your issue pertains to:</i>	<i>Use this form:</i>
(a) Discrimination under any protected category (see Section 9.1) or (b) any school program receiving federal and state funds, such as <ul style="list-style-type: none"> • Adult Education • Child Nutrition • Childcare and Development Programs • Vocational Education • Consolidated Categorical Aid Programs • Migrant Education • Special Education • Child Nutrition (c) Complaints regarding the imposition of student fees	Uniform Complaint Process Concerning Categorical Aid Programs and the Imposition of Student Fees
Complaint against any BUSD policy, practice, procedure, or employee	Complaint Procedure for Parents, Students, Employees and Residents
Sexual harassment by student, between employee and student, between student and non-employee, between employees	Sexual Harassment Complaint Form
Instructional materials, teacher vacancy or misassignment, facility condition, support to complete CAHSEE requirement after exiting high school	Williams Uniform Complaint Procedure
Bullying	Bullying Complaint Form

Berkeley Unified School District

10.1 Flow Chart of Uniform Complaint Procedures

Step 1 - Informal Resolution

Complainant fills out form and contacts school principal, site or advisory council, or any representative of the site or advisory council to seek resolution of any problem. If complaint is unresolved, PROCEED TO NEXT STEP.	IF COMPLAINT IS RESOLVED, PROCESS STOPS HERE
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Step 2 - Formal Complaint Procedures 60 day process

The complainant shall file a written complaint with the designated compliance officer. Within 5 days of receiving the complaint the designated compliance officer, in cooperation with the program administrator, chairperson and the principal shall investigate the complaint and provide an opportunity to both the complainant or its representative and the District's representatives to present evidence relevant to the complaint, including an opportunity to question the parties involved.	<p style="text-align: center;"> BUSD Compliance Officer Dr. Susan Craig tel. (510) 644-6316 <i>5 Days</i> </p>
Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report summarizing the findings and disposition of the complaint, including corrective actions if any, the rationale for such disposition, and notice of the complainant's <i>right to appeal</i> such decision to the BUSD Board of Education within 5 calendar days . The report will also include the requirement that <i>an appeal</i> to the Department of Education must be made within 15 days of the receipt of the final report. (Step 3)	<p style="text-align: center;"> IF COMPLAINANT IS SATISFIED PROCESS STOPS HERE <i>30 Days</i> </p>
If complainant is dissatisfied with the compliance officer's written response, he/she may file within 5 calendar days of receipt of the written report, his/her complaint with the Board of Education in writing.	<p style="text-align: center;"><i>5 Days</i></p>
The Board of Education may consider the matter at its next regularly scheduled Board meeting or at a special meeting convened to meet the sixty (60) day time limit within which the complaint must be answered. <i>If the Board decides not to hear the complaint, the compliance officer's decision shall be final.</i> If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within sixty (60) calendar days of receipt of the initial complaint unless the complainant agrees in writing to extend the sixty (60) day deadline. IF COMPLAINANT IS DISSATISFIED, PROCEED TO NEXT STEP.	<p style="text-align: center;"> IF COMPLAINANT IS SATISFIED PROCESS STOPS HERE 20 Days </p>

Step 3 - Appeal to California Department of Education

If a complainant is dissatisfied with the resolution of her/her complaint by the Governing Board, he/she may appeal to the State Department of Education within 15 days of complainant's receipt of the District's final written report. See attached timeline and procedures for California Department of Education intervention.	
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Outside Resolution

No part of this policy precludes a complainant from pursuing civil law remedies outside of the District's administrative procedures at the complainant's own expense. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. The Board recognizes that neutral mediator can often suggest an early compromise or resolution that is agreeable to all parties in the dispute. The superintendent shall ensure that the mediation results are consistent with state and federal laws and regulations. For discrimination complaints, a complainant must wait until sixty (60) days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The following agencies can provide assistance: Berkeley Dispute Resolution Service – (510) 428-1811, California Community Dispute Services – (510) 231-4190, East Bay Community Law Center – (510)548-3040, Community Legal Aid Society of Alameda County – (510)451-9261, State Bar of California – (800) 843-9053

Uniform Complaint Process Concerning Categorical Aid Programs

The Board recognizes that it is the District's responsibility to ensure compliance with applicable federal and state laws and regulations governing the educational programs listed below and to investigate allegations of non-compliance. Any person, including any parent of a pupil enrolled in a federally or state funded consolidated aid program, may file a complaint alleging a violation of law, policy, or regulation governing such program. Programs making up the consolidated categorical aid programs are:

- * Adult Basic Education
- * Child Nutrition
- * Childcare and Development Programs
- * Vocational Education
- * Consolidated Categorical Aid Programs
- * Migrant Education
- * Special Education

In addition, discrimination complaints may be filed with the District alleging unlawful discrimination on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability, in any of the above programs conducted by the District which are funded directly by, or that received or benefits from any state financial assistance. **Any person may also file a complaint with the District through the Uniform Complaint Process regarding the imposition of pupil fees.**

Write the nature of the complaint. (This should be a description in your own words of the grounds of your complaint, including all names, dates, and places necessary for a complete understanding of your complaint.)

- Copies of the District's complaint procedures are available free of charge and can be obtained at the Office of Student Services, all schools, and on the District's website.
- Discrimination complaints shall be filed with the District or the California Department of Education not later than six months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination.
- If the complainant is dissatisfied with the resolution of his /her complaint by the Compliance Officer, he/she may appeal to Board within 5 days of the receipt of the report. If the complainant appeals either the Board or Compliance Officer's resolution to the California Department of Education, the appeal must be filed with 15 days of the receipt of the Compliance Officer or Board Report.
- The Board prohibits retaliation for the filing of a complaint, the reporting of discrimination, or for the participation in the complaint procedures. The District shall maintain the identity of a complainant alleging discrimination confidential, except to the extent necessary to carry out the investigation or complaint proceedings.

Please print name, address, and telephone number

Complainant's Name
Complainant's Phone Number
Complainant's Address
Complainant's Signature
Date

**Berkeley Unified School District
Office of the Superintendent**

**10.2 Complaint Procedure for Parents, Students, Employees and Residents
Regarding School or District Policy, Procedure, or Practice or District Employees**

This form and process is available for any parent, student, employee or resident who wishes to initiate a complaint against any Berkeley Unified School District policy, practice, or procedure, any school site practice or procedure, or a BUSD employee. The complainant shall attempt to resolve the complaint at Step 1. If not applicable or possible, the complainant may go to the next appropriate step, the employee's immediate supervisor or principal. Complaints regarding district policies, practices or procedures begin at Step 4. (Please see the reverse for all steps.)

Please write the nature of the complaint. (This should be a description in your own words of the grounds of your complaint, including all names, dates and places necessary for a complete understanding of your complaint).

This complaint pertains to:

-
- A District Policy, Practice or Procedure (file at Step 4)

 - **Policy, Practice or Procedure:** _____

 - A site practice or procedure _____

 - **Site Practice or Procedure:** _____

 - A district employee _____

 - **Employee Name:** _____
-

Please write the nature of the complaint. (This should be a description in your own words of the grounds of your complaint, including all names, dates, and places necessary for a complete understanding of your complaint as well as any attempts you have made to resolve. You may attach additional pages).

Please print name, address and telephone number

Complainant's Name

Complainant's Phone Number

Area Code ()

Complainants Address, City and Zip Code

I certify that the information I have given is true and correct.

Complainant's Signature _____ **Date Signed** _____

Step 1: Informal Resolution

Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, you should communicate directly with the employee involved in order to resolve concerns.

If you are unable or unwilling to resolve the complaint directly with the employee, you may file a written complaint directly to the principal or immediate supervisor (**Step 2**).

Step 2: Filing a Written Formal Complaint

If the complaint was not resolved informally (**Step 1**), you have the right to submit a formal written complaint to the principal or employees' supervisor. If this complaint is against the principal or central office administrator, it should be filed with the District Compliance Officer (DCO), Director of Student Services at 2020 Bonar St., Room 112, Berkeley, CA 94702. A formal written complaint must include: the name of the employee, policy, procedure or practice involved, a brief but specific summary of the complaint and a description of any prior attempt to resolve the complaint informally (See Page 1 of the complaint form).

Step 3: Site or Department Hearing

The immediate supervisor or principal shall confer with the parties within five (5) working days of receipt of the written complaint. The immediate supervisor or principal shall provide a written response to the parties within five (5) working days from the date of the conference with the parties.

If the immediate supervisor or principal's response does not resolve the complaint, then the party may appeal the response with the DCO by signing the request below and delivering this form to the Director of Student Services.

Request for District Resolution of My Complaint

Name _____ Date _____

Step 4: District Hearing

The DCO shall confer with the parties within five (5) working days of the receipt of the appeal. The DCO or Director of Student Services, 510-883-5224, or designee shall send a response, in writing, to the parties within ten (10) working days of the conference.

If the DCO does not resolve the complaint then the party may appeal the DCO's decision with the Superintendent or designee by signing the request below and delivering it to the Superintendent's office.

Request for Superintendent or Designee Resolution of My Complaint

Name _____ Date _____

Step 5: Superintendent's Hearing

The Superintendent or designee shall confer with the parties within five (5) working days of the receipt of the appeal. The Superintendent or designee shall respond to the parties in writing within ten (10) working days of the conference.

If the Superintendent does not resolve the complaint, any party may appeal the Superintendent's decision to the Board of Directors. The request must be made in writing and submitted to both the Board of Directors and Superintendent by filing within twenty (20) working days of the Superintendent's response.

Step 6: Requesting a Board Hearing

The Board may elect to hold a hearing and render a finding or support the finding made at **Step 5** without holding a hearing. The decision of the Board is final and will be communicated to the complainant by the Superintendent.

Berkeley Unified School District

10.3. Sexual Harassment Complaint Form

(Please review BUSD's Sexual Harassment Policy in Section 9.12 before completing this form.)

Name of Complainant		Date
School/Department	Date of Incident	Time of Incident
Location of Incident		
1. Identify the offending person or persons.		
2. Give specific examples of offensive conduct. (If more space is required, please attach additional pages.)		
3. What remedy are you seeking?		
4. Describe the informal efforts you made to correct the situation described above (Item 2).		
I certify that the information I have given is true and correct. I authorize the Berkeley Unified School District to disclose the information I provide as it finds necessary in pursuing the investigation.		
Complainant's Signature		Date
TO BE COMPLETED BY DISTRICT		
Date received	By	
Date Resolved	By	

Form 102, created August, 1993

Berkeley Unified School District

10.4. Williams Uniform Complaint Procedure

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the California High School Exit Examination (CAHSEE) by the end of grade 12. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact Information:

Name: _____

Address: _____

Phone Number: Day: (_____) _____ Evening: (_____) _____

Cell: (_____) _____

E-mail address, if any: _____

Location of the problem that is the subject of this complaint:

School: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Date problem was observed: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- A pupil, including an English Learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

A semester begins and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

- A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)
- A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.
 - A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
 - The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.
4. CAHSEE intensive instruction and services: (Education Code 35186)
- Pupils who have not passed the CAHSEE by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

Please file this complaint at the following location:

Student Services
 Berkeley Unified School District
 2020 Bonar Street, Room 112, Berkeley, CA 94702

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(signature)

(date)

Berkeley Unified School District
10.5. Bullying Complaint Form (Policy 5131.2)

School: _____

Definition of bullying: Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the victim's school performance or participation. Bullying is carried out repeatedly; and is often characterized by an imbalance of power.

Name of Student/ Date of Report: _____

Parent/Guardian/School Staff/Community member (if filing on behalf of a student): _____

Person(s) your complaint involves: _____

Date(s) of incident: _____

Where did the incident take place? _____

Did you report this incident of bullying previously? _____

If yes, to whom? _____

When? _____

Please describe your complaint in as much detail as possible. (Use back of form or extra sheets of paper if necessary.) Attach any documents related to this complaint.

Signature: _____

Date: _____

Please submit this form to the school Principal. If you need assistance completing this form, please contact the Principal.