“We are a community of virtuous leaders. We critically and creatively engage in purposeful learning. We strive to build opportunities leading to a brighter future for all.”

MICHELLE QUILANTANG
Principal

MEGAN JALALI
Assistant Principal

Revised June 15, 2017
# TABLE OF CONTENTS

**STUDENT SECTION**

- ALL-AROUND SCHOOL RULES ................................................. 1
- ASSEMBLY STANDARDS .......................................................... 2
- ATTENDANCE ........................................................................ 2
- BEFORE AND AFTER SCHOOL PROGRAMS .............................. 3
- BEHAVIORAL/ACADEMIC RESTRICTIONS .............................. 3
- BICYCLES & SKATEBOARDS ..................................................... 4
- BULLYING ............................................................................ 4
- CAFETERIA ............................................................................ 4
- CITATIONS ............................................................................ 5
- DISCIPLINE REFERRALS .......................................................... 5
- DISPLAYS OF AFFECTION ........................................................ 5
- DRESS CODE .......................................................................... 5
- FINANCIAL RESTRICTIONS ..................................................... 6
- HOMEWORK ......................................................................... 6
- OFFICE TELEPHONE .............................................................. 7
- PLAYGROUND RULES ............................................................ 7
- PROGRESS REPORTS and REPORT CARDS/CONFERENCES .... 8
- SCHOOL BUS RULES ............................................................. 8
- SCHOOL LIBRARY .................................................................. 9
- SERIOUS VIOLATIONS ............................................................ 9
- SEXUAL HARASSMENT/RACIAL ETHNIC SLURS ..................... 11
- STUDENT USE OF TECHNOLOGY ........................................... 11
- TOBACCO FREE CAMPUS ...................................................... 12
- ZERO TOLERANCE .................................................................. 12
- 8th GRADE PROMOTION ACTIVITIES ..................................... 12

**PARENT SECTION**

- PARENT NOTICE OF RIGHTS AND Responsibilities ............... 13
  - Absence for Justifiable Reasons/Attendance .......................... 13
  - Absence for Religious Purposes .......................................... 13
  - Access to Student Records .................................................. 13
  - Access for Handicapped ...................................................... 13
  - Administration of Medication .............................................. 14
  - Attendance Options (Local) .................................................. 14
  - Availability of Prospectus .................................................... 14
  - Availability of District Discipline Rules ............................... 14
  - Availability of Employer-Based Enrollment ......................... 14
  - Availability of Free and Reduced Price Meals ...................... 14
  - Availability of Home/Hospital Instruction ............................ 14
  - Availability of Information – Special Education ................... 14
  - Bullying ............................................................................. 14
  - CAASPP Testing Opt-out ..................................................... 14
  - Challenge, Review and Expunging of Records ...................... 15
  - Confidential Medical Services ........................................... 15
  - Disaster Plan Information .................................................... 15
  - Evaluation of Vision, Hearing and Scoliosis ......................... 15
  - Excuse from Instruction ..................................................... 15
  - HIV/AIDS Prevention Instruction ....................................... 15
  - Honor Roll ......................................................................... 15
  - Immunization ..................................................................... 16
  - Medical and Hospital Service ............................................. 16
  - Medication ......................................................................... 16
  - Messages to Students .......................................................... 16
  - Nondiscrimination ............................................................... 16
  - Physical Examination .......................................................... 17
  - Procedure for Student Access to the Internet ....................... 17
  - Pupil Fees .......................................................................... 17
  - Pupil Records / Notice Of Privacy Rights Of Parents And Students ........................................................................... 17
  - Reduced Grade/Credit .......................................................... 18
- Release Of Student Records / Compliance With Subpoena Or Court Order .......................................................... 18
- Release Of Student Records To School Officials And Employees Of The District .......................................................... 18
- Required Parental Attendance .............................................. 18
- Right to Request .................................................................... 18
- Right to Refrain from Harmful or Destructive Use of Animals .......................................................... 18
- Schedule of Minimum Days .................................................... 18
- School Accountability Report Card ........................................ 19
- Section 504 / Pupils With Disabilities .................................... 19
- Sex Education Courses/Venereal Disease Instruction .............. 19
- Sexual Harassment – Students .............................................. 19
- Special Education; Child Find System .................................... 19
- Special Education Complaints .............................................. 19
- Special Education(IDEA) ........................................................ 19
- Student Surveys .................................................................... 20
- Suspension of Students .......................................................... 20
- Truancy ................................................................................. 20
- Use of Pesticides ................................................................... 20
- Vandalism ............................................................................. 20
- Visitors ................................................................................ 20
- Wellness Policy ..................................................................... 20

**UNIFORM, WILLIAMS AND OTHER COMPLAINT PROCEDURES** .......................................................... 21

*** (PLEASE READ AND SIGN THE LAST PAGE AND RETURN TO THE TEACHER) ***
SCHOOLWIDE EXPECTATIONS
The Orchard Bruins Behavior Matrix defines how students should behave in all areas of the school campus, and is included at the beginning of this handbook for both K – 3rd grades, and 4th – 8th grades. The Behavior Matrix is based on common principles that we foster at Orchard School.

For K-3rd Grade, Orchard Bruins:
- PLAY & ACT Safely
- & Responsibly
- WANT & SHOW Respect

For 4th-8th Grade, Orchard Bruins:
- Are PREPARED
- ACT Responsibly and Safely
- WORK as a Team
- SHOW Respect

All students are responsible for the following:
- Respect the personal rights and property of others.
- Follow all school and classroom rules and limits.
- Respect the authority of the principal, teachers, and school staff.
- Attend school regularly, report to school on time, and be prepared each day with books, pencils, and homework.
# Orchard Bruins Behavior Matrix K-3rd

<table>
<thead>
<tr>
<th>BRUINS</th>
<th>Restroom</th>
<th>Elementary Pods</th>
<th>Bus</th>
<th>Outside/Playground</th>
<th>Cafeteria</th>
<th>Library/Computer lab</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PLAY &amp; ACT</strong>&lt;br&gt;Safely</td>
<td>• Use the restroom before school, at recess, lunch, and after school&lt;br&gt;• Report problems</td>
<td>• Know and go directly to your destination&lt;br&gt;• Not allowed before school or during recess&lt;br&gt;• Only enter a Pod with a teacher</td>
<td>• Be at your stop on time&lt;br&gt;• Have all your belongings that you need&lt;br&gt;• Know your bus route&lt;br&gt;• Get off at the correct stop</td>
<td>• Bring your coats, snacks, and playground equipment&lt;br&gt;• Play safe&lt;br&gt;• Report problems</td>
<td>• Line up quietly&lt;br&gt;• Get everything you need the first time through&lt;br&gt;• Eat your own food</td>
<td>• Have your books and materials&lt;br&gt;• Eyes, ears, and brains turned on</td>
</tr>
<tr>
<td><strong>&amp;</strong>&lt;br&gt;Responsibly</td>
<td>• Use a quiet voice&lt;br&gt;• Throw trash away&lt;br&gt;• Wash your hands&lt;br&gt;• Flush the toilet</td>
<td>• Keep hands and feet to yourself&lt;br&gt;• Stay with your class&lt;br&gt;• Stay in designated areas, behind the lines&lt;br&gt;• Walk in dry areas</td>
<td>• Walk to the bus&lt;br&gt;• Stay seated at all times&lt;br&gt;• Take turns getting on and off the bus&lt;br&gt;• Use inside voices&lt;br&gt;• Wait for the bus quietly&lt;br&gt;• Back to Back, Bottom to Bottom</td>
<td>• Walk, unless you’re on the playground&lt;br&gt;• Use equipment responsibly and return&lt;br&gt;• Eat at tables&lt;br&gt;• Listen to Yard duties</td>
<td>• Use inside voices&lt;br&gt;• Raise hand to leave&lt;br&gt;• Clean up your area&lt;br&gt;• Dump trash quietly and carefully&lt;br&gt;• Know your lunch number</td>
<td>• Actively listen&lt;br&gt;• Use inside voices when allowed&lt;br&gt;• Work diligently&lt;br&gt;• Push in your chair</td>
</tr>
<tr>
<td><strong>WANT &amp; SHOW</strong>&lt;br&gt;Respect</td>
<td>• Keep hands, feet, and eyes to yourself&lt;br&gt;• Clean up after yourself&lt;br&gt;• Wait your turn</td>
<td>• Do not disrupt classes&lt;br&gt;• Hold the door for others when entering</td>
<td>• Follow directions&lt;br&gt;• Keep the bus clean&lt;br&gt;• Use positive, kind words&lt;br&gt;• Keep hands, feet, and belongings to yourself</td>
<td>• Take turns&lt;br&gt;• Treat others as you would like to be treated&lt;br&gt;• Keep your hands and feet to yourself</td>
<td>• Use manners and kind words&lt;br&gt;• Be seated before you start eating&lt;br&gt;• Respect other people’s food</td>
<td>• Follow library/computer lab procedures&lt;br&gt;• Put materials away</td>
</tr>
<tr>
<td>Orchard Bruins Behavior Matrix 4th-8th</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BRUINS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restroom</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MS Quad/Elementary Pods</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside/Playground</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cafeteria</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library/Computer lab</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **Are PREPARED**                    |
| Use the restroom before school, at recess, lunch, and after school |
| Know and go directly to your destination |
| Not allowed before school or during recess |
| Only enter a Pod with a teacher |
| Be at your stop on time |
| Have all your belongings that you need |
| Know your bus route |
| Get off at the correct stop |
| Bring your coats, snacks, and playground equipment |
| Know your lunch number |
| Get everything you need the first time through |
| Line up quietly |
| Have your books and materials |
| Eyes, ears, and brains turned on |

| **ACT Responsibly and Safely**      |
| Use a quiet voice |
| Throw trash away |
| Wash your hands |
| Flush the toilet |
| Keep hands and feet to yourself |
| Stay with your class |
| Stay in designated areas, behind the lines |
| Walk in dry areas |
| Walk to the bus |
| Stay seated at all times |
| Use inside voices |
| Wait for the bus quietly |
| Back to Back, Bottom to Bottom |
| Walk, unless you’re on the playground |
| Use equipment responsibly and return |
| Play safe |
| Report problems |
| Eat at tables |
| Listen to Yard duties |
| Eat your own food |
| Use inside voices |
| Raise hand to leave |
| Dump trash quietly and carefully |
| Actively listen |
| Use inside voices when allowed |
| Work diligently |
| Push in your chair |

| **WORK as a Team**                 |
| Report problems |
| Wait your turn |
| Pick up trash as you walk by |
| Use a "six inch voice" |
| Help younger students |
| Take turns getting on and off the bus |
| Stay in your designated area |
| Show good sportsmanship |
| Pick up trash when you see it |
| Clean up your area |
| Help others clean if they drop something |
| Put materials away |
| Leave the area cleaner than you found it |

| **SHOW Respect**                   |
| Keep hands, feet, and eyes to yourself |
| Clean up after yourself |
| Do not disrupt classes |
| Hold the door for others when entering |
| Follow directions |
| Keep the bus clean |
| Use positive, kind words |
| Keep hands, feet, and belongings to yourself |
| Take turns |
| Treat others as you would like to be treated |
| Use manners and kind words |
| Be seated before you start eating |
| Respect other people’s food |
| Follow library/computer lab procedures |
| Treat others as you would like to be treated |
Student Section

ALL-AROUND SCHOOL RULES

1. Use respect in addressing other students and adults. No profane, vulgar language, indecent gestures, negative racial statements, or sexual harassment will be tolerated.

2. Be responsible for supporting a quiet and positive atmosphere conducive to learning throughout school.

3. Get permission before borrowing personal or school property.

4. Valuables, such as rollerblades, skates, heelies, radios, tape recorders, toys, pagers, CD Players and CDs, or other electronic devices are not allowed at school. The school will not assume responsibility for stolen or damaged property; questions of ownership, theft or damage.

5. Cellular phones and other electronic devices (including, but not limited to, music players) must be out of view and turned off during school hours. These items will be confiscated if the rules are violated and only returned to the student’s parent/guardian. (Regulated by California Education Code §48901.5.) The school will not assume responsibility for stolen or damaged property; questions of ownership, theft or damage.

6. Refrain from throwing objects in a harmful way.

7. Students are to be quiet when they enter the school office. Students are not to enter the office without a pass from the teacher unless it is an emergency.

8. Students are not to arrive at school until yard supervision is available.

9. Students arriving early are to wait quietly near the lawn area outside the school office until the bell rings. They may not pass the red line, not even to put books by their classroom door.

10. Stay only in supervised areas at recess.

11. Students are to walk on the school grounds. Running is only permitted on the lawn or in an approved game.

12. Use playground equipment in a safe way.

13. Students are expected to leave the school grounds at the close of the school day. Any student leaving early must be released through the school office.


15. Students who walk to school will observe street safety rules, use crosswalks and refrain from walking in people’s yards or business’ lawns.

16. Permanent markers are not allowed on campus.

17. Students are not to use the staff bathrooms.

18. Middle School students are not to use elementary bathrooms.

19. Refrain from destroying or defacing school property.

20. Be responsible for a clean campus.

21. Gum chewing is not allowed at school.

22. At recess, eat or drink in the designated snack area only.

23. Students are to stay off and out of plants.
24. Students should not play in or around bathrooms or in quads or courtyards.

**ASSEMBLY STANDARDS**

1. Students walk quietly to, from, and in the multi-purpose room.
2. Students sit quietly with their class on the floor/chair/bleachers and listen for instructions. Students should not bring cell phones, toys, or other items to an assembly.
3. Disruptive students will be warned by the teacher, and, if necessary, moved.
4. After the assembly, students will remain seated until directed to return to class.

**ATTENDANCE AND TRUANCY**

We feel that consistent attendance is one of the keys to academic success. Parents can help their child succeed by ensuring their daily attendance. Children should be in school every day unless they have an excused absence (i.e. illness, death/funeral in immediate family, doctor or dental appointment). Parents should call the school office at (408) 944-0388 on the day of the absence by 9:00am and send a note of explanation when the child returns. In case of routine appointments, children should attend school for a partial day so that academic time and state funding is not lost for the day. Three or more unexcused absences and/or tardies will be considered truant. Truancies are reported to the school administration for further action including possible referral to the School Attendance Review Board or the San Jose District Attorney, in accordance with California Education Code §48260.

**TARDINESS/EARLY ARRIVAL**

Promptness to school is very important. Children who arrive later than the second bell should have a note from their parents stating why they were late and should report to the office to check in. If a student arrives late due to a medical/dental appointment, a doctor’s note is required to be considered excused. They will be given a “late pass” and then sent to their classroom. Unexcused tardies will be listed on the student’s report card.

3 tardies in one trimester will result in one citation.
On the fourth tardy in one trimester, the student will receive their first referral.
On the fifth tardy in one trimester, the student will receive their second referral.
On the sixth tardy in one trimester, the student will receive their third referral.
On the seventh tardy in one trimester, the student will receive their fourth referral.
On the eighth tardy in one trimester, the student will receive their fifth referral.
The fifth referral of the school year will result in restriction from all school activities (dances, sports, etc...) for the remainder of the school year.

**EXCESSIVE ABSENCES**

When a student has had five absences during the course of the school year for illness, a physician must verify any further absence for illness. Students who are absent for more than ten consecutive days for any reason will be withdrawn from school. When the student returns, they will be reinstated to Orchard. If no space is
available in their previous class, the student will be placed in any other available class.

HOMEWORK FOR ABSENTEES
Students are expected to make-up all work missed during their excused absence. Students absent for one or two days should check their teachers’ web sites for assignments and see their teachers when they return to school. Teachers are not obligated to accept make-up work from an unexcused absence. Students absent due to illness for more than two days may request homework through the school office on the third day of absence or later. Parents must call the office before 9:00am and the homework may be picked up after 24 hours from the initial request.

BEFORE AND AFTER SCHOOL PROGRAMS
Students are expected to follow all school rules while participating in before school and after school programs. Failure to do so may result in disciplinary actions and removal from the program.

AFTER SCHOOL SPORTS ELIGIBILITY
In order to be eligible to try-out or participate in any given sport season, a student must have maintained a 2.0 grade point average with no Fs from the previous semester or trimester grading period and maintain a 2.0 grade point average for the current semester or trimester with no Fs and meet all academic/behavioral restrictions as dictated in this handbook (Please see ACADEMIC/BEHAVIORAL RESTRICTIONS). Students may also be required to submit a weekly “Performance/Grade Check” to their coach and the assistant principal. Students must also be able to fully participate in their physical fitness class during the day. Students failing to meet or maintain this standard will be disqualified from try-outs or withdrawn for the remainder of the sport season. Students are not eligible to participate in a game if they are absent from school that day. Participation status may only be reinstated by the administration.

ACADEMIC / BEHAVIORAL RESTRICTIONS
A student may be restricted from school activities for any of the following reasons related to student behavior:

1. Receiving more than one (1) F on the mid-semester/trimester report cards will result in restriction from all activities for six (6) weeks.
2. Receiving two (2) or more referrals in any six (6) week period is cause for restriction from student sponsored school activities for six (6) weeks. Five (5) or more referrals in the school year will result in restriction from all activities for the remainder of the school year and a behavior plan will be developed with the principal/assistant principal.
3. One (1) suspension will result in restriction from activities for six (6) weeks. Two (2) suspensions will result in a meeting with a school administrator to develop a behavioral plan and a six (6) week restriction from activities. Students suspended a second time will lose an eighth grade activity. Three
(3) suspensions will result in students becoming ineligible to participate in all activities for the remainder of the school year. Student and parent will re-meet with a school administrator and district administrator to revise current behavioral plan. This is considered a preliminary step in the expulsion process.

4. Use or possession of drugs or weapons on campus or at a school activity or any other expellable offense, will result in restriction from all activities for the remainder of the school year.

**BICYCLES, SCOOTERS & SKATEBOARDS**

1. Due to safety concerns, only students in grades 4 – 8 may ride bicycles to school.
2. All bicycles must be kept locked in the designated bike area.
3. Bicycles and scooters must be walked on the school grounds.
4. All bicycle safety rules will be respected when riding to and from school.
5. Everyone riding a bicycle to school must wear an approved helmet.
6. Bicycles are not allowed inside any of the school buildings or in the staff parking lots.

While at school, bicycles must be locked in the designated area. The school will not assume responsibility for stolen or damaged bicycles; questions of ownership, theft or damage. These problems will be referred to the local authorities. Bicycles, skateboards, and scooters are not to be ridden on school grounds, including the blacktop at any time, including before and after school hours.

Students who choose to ride a skateboard to school must arrange for daily storage with a teacher. Students cannot ride their skateboards on campus, or through the staff parking lot. Students may not carry skateboards with them during the school day.

**BULLYING**

Bullying of any kind, which includes repeated physical, verbal or emotional harassment, is strictly prohibited. This may include, but is not limited to: spreading rumors, posting disparaging content on social network websites, and texting or leaving harassing phone messages. The Orchard School Board of Education has adopted policy (OSD BP 5131) which addresses this serious issue. This behavior is taken very seriously, and students who engage in bullying will be severely punished, possibly including suspension and referral to law enforcement.

**CAFETERIA**

1. Students are to enter the cafeteria quietly and in a single file line.
2. Students who enter the cafeteria must remain in line and not change places.
3. Students are to remain seated until dismissed by a cafeteria supervisor.
4. Each student is responsible for throwing away his/her trash, uneaten food, return the red lunch basket to its appropriate spot, etc...
5. A normal conversational tone of voice is to be used at all times.
6. All food purchased at school must be eaten while in the cafeteria and not taken outside or home.
7. Students are not allowed in the cafeteria without an adult supervisor.
8. Food may not be thrown.

**CITATIONS**
Citations are issued by staff to students for rule infractions. Citations must be taken home by the student, signed by the parent, and returned to the classroom teacher by the next school day. Three or more citations for the same infraction will lead to a referral to the office.

**DISCIPLINE REFERRALS**
Discipline referrals are issued to students by teachers or staff for school or classroom rule infractions. Consequences for major rule infractions may include any of the following:

- Warning
- Loss of one or more recesses
- Detention
- Community service
- Parent shadow
- Removal from classroom by teacher or principal/assistant principal
- In-School Suspension
- Parent contact/meeting
- Student behavior contract
- Referral to school counselor
- Conflict Resolution
- Suspension by the principal/assistant principal from the school
- Expulsion from school

In ALL major rule infractions, parents will be notified. Parents of students who are suspended from the classroom or from the school will always be notified.

Acceptable student behavior is positively reinforced. All efforts will be made by the Orchard staff to recognize and award improved and appropriate student behavior. These efforts may include:

- Classroom recognition by teacher
- Parent contact by teacher or principal/assistant principal
- Continued positive counseling by teacher or principal/assistant principal
- Good behavior certificates awarded by the staff
- Recognition Assemblies

**DISPLAYS OF AFFECTION**
Kissing, hugging, hand holding and other displays of affection are not allowed on campus at any time. A citation may be issued if this rule is violated.

**DRESS CODE**
Students must be dressed appropriately for school so that the student dress and appearance cannot be hazardous to the health and safety of anyone in the school, nor can it be disruptive to the learning process. The following are guidelines:
1. Shoes must be worn at all times. Sandals must be close-toed with heel straps. Flip-flops, backless shoes or sandals are not acceptable. Roller shoes or skates are also not acceptable. Appropriate footwear must be worn during physical education activities.

2. Clothing, jewelry, and personal items (backpacks, gym bags, water bottles, etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or of a sexual nature, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic, religious prejudice.

3. Hats, caps, sweatshirt hoods and other head coverings shall not be worn indoors except for a medical or religious purpose.

4. Clothing shall be sufficient to conceal undergarments at all times. Clothing that is too revealing or skin tight such as bathing suits, tube tops, tops with low cut underarms, tops with spaghetti straps, tops that are strapless, tops with one shoulder strap, tops that are see-through, low cut, or backless are not permitted. Sleeveless garments must extend to the end of the shoulders and fit closely under the arms. Tops that expose the midriff may not be worn. Pants and shorts must fit at the waist, not "sag". "Short" shorts or skirts are not permitted (need to be as long as fingertips). Chains of any kind and spiked apparel are not permitted.

5. Teachers may impose more stringent dress and grooming requirements to accommodate the special needs of certain physical education activities and/or classes.

When a student chooses to ignore the dress code, the student will be sent to the office to call home for proper attire. If a student continues to ignore the dress and grooming code, he/she will be subject to disciplinary action.

**FINANCIAL RESTRICTIONS**

Owing debt to the school, including but not limited to lost text, library book, or unpaid fundraiser will result in restrictions from: after school sports, fieldtrips, promotion activities, or other school sponsored activities or events, until the debt is paid. Academic transcripts may be withheld until the debt is paid.

**HOMEWORK**

The objective of homework is to assist and improve a student's learning. Homework is to be reasonable in length, directly related to classroom work, well defined in advance by the teacher, understood by the student, non-punitive and reviewed with feedback to students.

It is the student’s responsibility to complete homework. It is the parent's responsibility to support homework completion through encouragement and involvement with the student. Furthermore, students should have a clear, well-lit area in which to complete their homework.

The type of homework assignments and length should vary according to the student’s level:

- Kindergarten: Homework is based on the teacher’s judgment of the student’s needs.
• Grades 1 – 8:
  • Homework is to be expected as part of the student’s educational program.
  • Homework is part of the student’s regular work.
  • Homework may vary as either daily, weekly, short term, or long term projects.

**OFFICE TELEPHONE**
Student use of the office telephone is restricted to emergencies such as injury or illness. All other uses are upon the discretion of the office staff.

**PLAYGROUND RULES**
 **TO MAINTAIN A SAFE PLAYGROUND:**
1. Tackle games, play fighting (including acting out video games and cartoons), as well as games of tag or chase may not be played.
2. Soccer balls and kickballs are the only balls that are to be kicked.
3. Throwing, catching, and kickball games must be played on the lawn.
4. Balls are not to be thrown against the walls of school buildings.
5. Jump ropes and balls brought from home are treated as school balls; all rules will apply. Hard baseballs, handballs, and footballs may not be brought to school.
6. Games may not be locked; games are open to all students, even if the ball is brought from home.
7. Students are not to walk or run through game areas while a game is being played.
8. Students may not play behind or between buildings.
9. Students may not play in the tree areas.
10. No playing in the bathrooms.
11. Food is not allowed on the playground. Eating is only permitted at the tables.
12. Climbing the tetherball poles is not allowed.
13. Complaints or injuries on the playground should be immediately reported to the yard duty supervisor.
14. When the bell rings, students are to immediately freeze and wait until the whistle is blown before walking to their line.
15. Stay out of wet areas.
16. No gambling or trading.
17. No “roping” the tetherballs.

**PLAY STRUCTURES:**
1. Middle School students are not permitted on play structures.
2. Always walk in play structure area.
3. Jumping off play structure or slides is not allowed.
4. Slide down the slides, one at a time, with arms and legs inside, on your bottom, and feet first.
5. Do not get on top of the monkey bars, or stand on any bars.
**PROGRESS REPORTS and REPORT CARDS/CONFERENCES**

Report cards are sent home three (3) times a year for K – 5th grade. Students in grades 6 – 8 receive report cards two (2) times a year, with progress reports sent home about eight (8) weeks before each one. Parents are encouraged to attend Curriculum Night (Back to School), Fall Report Conferences, and Open House. Other conferences are scheduled at the request of staff or parents.

**SCHOOL BUS RULES**

**SCHOOL BUS TRANSPORTATION:**
All transported students shall conduct themselves on the bus and at bus stops in a manner which contributes to the safety and well-being of everyone.

A student shall not behave in a manner which interferes with the orderly transportation of pupils on a school bus.

The following information is for all students who ride Orchard School buses, whether daily on regular runs or only on field trips.

1. **Respecting Other Students** - A student shall not behave in a manner which interferes with the orderly arrival/departure of others to and from school.

2. **Misbehavior Will Not Be Tolerated** - Misbehavior on the bus, at the bus stop, on the way to or from the bus stop, or when arriving at or leaving school is not permitted.

**CONSEQUENCES:**
The school bus rules and regulations are for your information and your child's benefit. Bus drivers are instructed to report to the school principal/assistant principal for any infractions and a bus citation may be given.

Riding a school bus is a privilege. Should any child be reported to the school principal/assistant principal, the principal/assistant principal will be responsible for the disciplinary action, including loss of the privilege of the bus transportation until the parents, the bus driver, and principal/assistant principal can arrive at an understanding.

Loss of riding privilege may result from misbehavior on the bus. The parents will be responsible for the transportation for any students who have lost school bus transportation privileges.

**WHEN MEETING THE BUS, STUDENTS MUST:**
1. Be on time. Be at their bus stop at least five minutes before the regular pickup time.
2. Not stand on the traveled portion of the roadway while waiting for the bus.
3. Not engage in play or other activities that will endanger themselves or their companions while waiting beside the road.
4. Not run alongside a moving bus, but wait until it has stopped, then walk to the front door.
5. Board bus in an orderly fashion.
6. Report immediately to the driver any illness or injury sustained on the bus.

WHEN ON THE BUS, STUDENTS MUST:
1. Recognize that the bus driver is the authority on the bus; obey the bus driver and be courteous to him/her and to fellow students.
2. Go directly to a seat and remain seated while bus is in motion.
3. Not mark or deface bus. Willful or careless damage must be paid for by the student performing the act or his/her parent.
4. Not use profanity or indecent language.
5. Not extend arms, legs, or head out of the bus.
6. Not tamper with the emergency door.
7. Not fight, scuffle, or slap others.
8. Not wave or shout at pedestrians or passengers in other vehicles.
9. Not throw objects about the bus or from a window or throw objects at the bus from outside.
10. Not throw paper or litter the bus floor.
11. Not consume food or beverages on the bus.
12. Not engage in unnecessarily loud talking or laughter.

WHEN LEAVING THE BUS, STUDENTS MUST:
1. Remain seated until bus comes to a full stop.
2. Leave bus in an orderly manner. Students in the front seats exit first.

SCHOOL LIBRARY
Students may use the school library for research or to check out books according to the following rules:
- Kindergarten, 1st, and 2nd grade students are allowed to check out one book each week.
- 3rd, 4th, and 5th grade students are allowed to check out two books each week.
- Middle school students are allowed to check out three books each week.

Students with overdue library books lose their library book checkout privilege until the late item(s) are returned. Families will be charged for damaged or lost textbooks or library books that their child is responsible for. Books are very expensive and the school cannot afford to absorb the costs for replacing these books. If a lost book is found after it has been paid for, the money will be refunded upon request.

SERIOUS VIOLATIONS
Suspension or expulsion may result from any of the following acts:
EDUCATION CODE §48900
(a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
(a) (2) Willfully used force or violence upon the person of another, except in self-defense. [Battery]
(b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object.
(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind, including the prescription drug Soma.
(d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, alcoholic beverage, or intoxicant of any kind, including Soma, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
(e) Committed or attempted to commit robbery or extortion.
(f) Caused or attempted to cause damage to school property or private property, including electronic files or databases.
(g) Stole or attempted to steal school property or private property, including electronic files or databases.
(h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
(i) Committed an obscene act or engaged in habitual profanity or vulgarity.
(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
(k) 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.
(l) Knowingly received stolen school property or private property.
(m) Possessed an imitation firearm. As used in this section, “imitation firearm” means a replica of a firearm as substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
(n) 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 a sexual battery as defined in Section 243.4 of the Penal Code.
(o) 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.
(p) Aided or abetted the infliction, or attempted infliction, of physical injury to another person; may be suspended but not expelled.
(q) Engaged in, or attempted to engage in hazing as defined in §32050.
(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act specifically toward a pupil or school personnel.
(s) A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that 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. (4) During, or while going to or coming from, a school sponsored activity.

EDUCATION CODE §48900.2
Committed sexual harassment as defined in §212.5.
EDUCATION CODE §48900.3
Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of §233.
EDUCATION CODE §48900.4
Engaged in harassment, threats, or intimidation.
EDUCATION CODE §48900.7
Made terrorist threats against school officials or school property, or both.
EDUCATION CODE §48915(a)(5)
Committed assault or battery (as defined in PC 240 & 242) upon any school employee.
California Penal Code 417.27
(b) Possession of laser pointer.

PLEASE NOTE: DURING THE PERIOD OF SUSPENSION FROM SCHOOL, THE PUPIL MUST NOT BE ON OR NEAR SCHOOL CAMPUS AND IS NOT ALLOWED TO ATTEND ANY SCHOOL RELATED ACTIVITY.

SEXUAL HARASSMENT/RACIAL ETHNIC SLURS
The Governing Board is committed to maintaining a school environment that is free from harassment. The Board prohibits sexual harassment or racial ethnic slurs of any student by another student, an employee or other persons, at school, or at a school-sponsored or school-related activity. The Board also prohibits retaliatory behavior or action against any person who complains, testifies, assists or otherwise participates in the complaint process established in accordance with these policies. Any student who engages in sexual harassment of anyone at school or at a school sponsored or school related activity is in violation of this rule shall be subject to disciplinary action.

STUDENT USE OF TECHNOLOGY
Use of school computers and access to the Internet is a privilege and will only be used for school-related education and research. Students are expected to follow the directions of teachers and school staff and abide by the rules of the school and school district. If students do not follow the rules, they will be disciplined and may lose their computer privileges. Students must abide by the following technology rules:

- Handle all equipment with care and only with permission
- Any type of food or drink is not allowed in the library or computer lab.
- Protect your password! Do not allow anyone else to use your password and do not use anyone else’s password.
- Do not alter the log-in screen or desktop screen-saver.
- Never vandalize or copy computer data, including copyright protected material (plagiarism) or other students’ assignments.
- Students will only visit websites that are appropriate and that pertain to their class work.

Students will be responsible, appropriate, legal and ethical users of technology.
TOBACCO FREE CAMPUS
Orchard School is a tobacco-free campus. Visitors and guests are prohibited from smoking while on school grounds, or in the school parking lots. Information on smoking cessation programs is available in the front office.

ZERO TOLERANCE
The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students (OSD BP 5000 5149). When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction. The Board supports a zero tolerance approach to serious offenses. Any school-related possession, use, sale, furnishing, or receiving of any weapon, including, but not limited to a firearm, knife, explosive, or other injurious object not necessary for the academic purposes of the student and capable of inflicting substantial bodily injury – shall not be tolerated. Expulsion is the action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when a threat of violence involves a dangerous weapon. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent of the law.

8th GRADE PROMOTION ACTIVITIES
Promotion activities are considered to be privileges. A student may not participate in any 8th grade activities (i.e. promotion ceremony, field day and/or trip, dance) if he/she has one or more of the following: one (1) F, or two (2) or more Ds on the 2nd semester report; seven (7) or more tardies to school; two (2) or more unexcused absences; three (3) or more referrals (including none within six weeks prior to the scheduled activity) or uncleared financial obligations (school or library books). Failure to serve an assigned after school detention or school service will result in restriction from all school activities, including the graduation ceremony, until the detention or school service is served.
Parent Section

*Parent Notice of Rights and Responsibilities*

Section 48980 of the Education Code of California requires that notice be given at the beginning of the first semester or quarter of the regular school term to the parent or guardian of the minor pupils in the school district regarding the rights of the parent or guardian. Section 48982 requires that this Notice be read and the district maintains a signature from the parent or guardian. A parent signature is acknowledgement by the parent or guardian that he or she has been informed of his or her rights but does not indicate that consent to participate in any particular program has either been given or withheld.

Accordingly, you are hereby notified as follows (when used in this notification "parent" includes a parent or legal guardian):

**Absence for Justifiable Reasons/Attendance**– Students are expected to attend school regularly. Absences for day trips, travel, etc., are discouraged and considered unexcused by the State of California. Such absences may be detrimental to the student’s education and result in a loss of revenue to the district. Students may be absent for justifiable reasons and may complete missing assignments (EC 46010 and 48205). Pupils in grades 7-12, inclusive, may be excused from school to receive confidential medical services without the consent of the parent or guardian (EC 46010.1).

**Absence for Religious Purposes**– Pupils, with the written consent of their parents or guardians, may be excused from school to attend religious services at a place away from school property after the student has attended school for the minimum day (EC 46014).

**Access to Student Records**– Parents may review individual student records by making an appointment with the principal. Such records are: enrollment information giving birth and residence statistics and family background, cumulative records of test scores, grades, course of student and disciplinary notations; attendance and health records; records required for admission to and progress in special education programs; teacher observations and recommendations in regard to educational programs and student progress and development. If, after review, there is concern regarding the accuracy or appropriateness of any record, parent/student should not hesitate to request that consideration be given for amendment or removal of specific records. If you have questions about student records, i.e., who has access or how they are kept or maintained, you should contact the school principal (EC 49063).

**Access for Handicapped**– The District has named the Principal as the Section 504 Coordinator responsible for handicapped access to school buildings and facilities (Section 504, Rehabilitation Act of 1973).
**Availability of Prospectus**– Orchard School annually completes a prospectus of the curriculum in its course catalog which includes titles and descriptions for every course offered. It is available upon request in the school office (EC 49063 and 49091.14).

**Administration of Medication**– School personnel may assist students in taking prescribed medication if the school district receives (1) written directions from the physician and (2) written request from parent or guardian (EC 49423).

**Attendance Options (Local)**– All students in grades TK-8 attend Orchard Elementary School.

**Availability of District Discipline Rules**– Procedures which govern discipline in the Orchard School District are contained in the Student-Parent Handbook, copies of which are available at the school site and website. Parents may view pertinent Board Policy on the web, or at the District Office.

**Availability of Employer-Based Enrollment**– Elementary students who have parent(s) or guardian(s), who are employed within the boundaries of the Orchard School District may be enrolled in the District, on a space available basis, according to the guidelines of Education Code 48204.

**Availability of Free and Reduced Price Meals**– Recognizing the importance of good nutrition and the relationship between nutrition and learning, the state has made free and reduced price lunches available to children who qualify. Information about this program is provided annually by the Food Services Department to all students (EC 49510-49520). We encourage families who may qualify to visit our website at [www.orchardsd.org](http://www.orchardsd.org).

**Availability of Home/Hospital Instruction for Students with Temporary Disabilities**– Pupils with temporary disabilities which make attendance in the regular classroom impossible or inadvisable are entitled to individual instruction either at home or in the hospital. Parents should contact the school Principal for further information in these circumstances (EC 48206.3, 48207, 48208).

**Availability of Information– Special Education**– A delineation of the rights of special education students and their parents is available from the Special Education Department in the school office (EC 58501).

**Bullying**– No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel. (OSD BP 5131.2)

**CAASPP Testing Opt-Out**– California Education Code requires that parents and guardians are notified of their right to opt-out their student(s) from taking the
California Assessment of Student Performance and Progress (CAASPP). A hand-signed and dated note must be provided to school testing coordinator each year for testing opt-out.

**Challenge, Review and Expunging of Records**– Following the inspection and review of student records, the parent may challenge the content of the record by filing a written request with the School principal to remove information alleged to be inaccurate, an unsubstantiated personal conclusion or reference, a conclusion or reference outside the observer’s area of reference and/or not based on the personal observation of a named person with the time and place of observation noted. The School Principal will meet with the parent and the employee who made the record, if that employee who made the record is still employed by the district, within thirty (30) days. Should the decision be made not to remove the material, the parent may appeal to the Governing Board. The decision of the Superintendent or Governing Board shall be final. A parent receiving an unfavorable decision may place a written statement of his/her objections that will become a part of the pupil’s student record until such time as the information objected to is corrected or removed (EC 49063, 49070).

**Confidential Medical Services** – School authorities must notify students in grades 7 – 12 that they may be excused from school for the purpose of obtaining confidential medical services without the consent of a parent/guardian (EC 46010.1).

**Disaster Plan Information**– Each school site has a plan outlining what to do in case of a major emergency. Parents may review the plan at the school office and on the school website under the Comprehensive School Safety Plan (CA Admin Code, Title 5, Ed. Section 560).

**Evaluation of Vision, Hearing and Scoliosis**– Vision, hearing and scoliosis screenings of a child may be performed at schools, including tests for visual acuity and color vision, by the licensed registered school nurse who holds a public health and school nurse credential, a certified audiologist or a licensed optometrist upon first enrollment and at least every third year thereafter. The evaluation may be waived upon presentation of a letter at the beginning of each school year indicating your child should be excused from these screenings. The letter must be turned in to the school office. (EC 49452, 49454, 49455, 449456, 49452.5, 49420, 44870).

**Excuse from Instruction**– Pupils, with the written request of the parent or guardian, may be excused from health, family life and sex instruction classes. Parents have the right to inspect materials to be used in this instruction (EC 51201.5, 51937, 51240).

**HIV/AIDS Prevention Instruction**– School districts are mandated to ensure that pupils in grades 7 to 12, inclusive, shall receive instruction in AIDS prevention from adequately trained instructors in appropriate courses at least once in middle school and once in high school. Pupils, with the written request of the parent or guardian,
may be excused from instruction in AIDS prevention. Parents have the right to inspect materials to be used in this instruction (EC 51201.5, 51937).

**Honor Roll** – Certificate awards for honor roll and principal’s honor roll may be awarded after report card periods. In middle school, students attaining a GPA of 3.0 - 3.49 may receive honor roll, while students with a GPA of 3.5 – 4.0 may receive the principal’s honor roll.

**Immunization**– Students will not be unconditionally admitted to school unless prior to their first admission they have been fully immunized against Diphtheria, Pertussis, Tetanus, Poliomyelitis, Measles, Rubella, Varicella and Hepatitis B. This regulation may be waived if the parent or legal guardian submits a letter or affidavit that immunization is contrary to his/her beliefs. Students may be admitted conditionally without full immunization, provided they submit evidence that they have been fully immunized against all of the above diseases within a stated time period (EC 49403, Health and Safety Code 3381, 3386). All students entering the 7th-12th grades will need a TDAP booster shot before starting school. With parent consent, a school district may use public resources for the immunization of pupils for communicable diseases (EC 49403).

**Medical or Hospital Service** – Medical and hospital services for pupils injured while participating in athletic activities, at school, or during school-sponsored events including transportation during field trips, may be insured at the expense of the parent/guardian. No student shall be compelled to accept said services without parent/guardian consent.

**Medication**- Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician and a parental request for assistance in administering the medication. Students may also carry and self-administer prescription auto-injectable epinephrine upon the school's receipt of specified written confirmation and authorization from the student's parent and physician or surgeon. (EC §49423)

**Messages to Students**- Please make arrangements with your child before he/she leaves for school regarding appointments, errands, and any changes in time or place for after school pick-ups. Students will not be taken out of class to receive messages nor will classes be interrupted to give message to students. The office will only take emergency messages for students.

**Nondiscrimination**– It is the plan of the Orchard School District not to discriminate on the basis of race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, perceived gender, gender identity or expression, or genetic information: the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics, as required by law. The Board of Trustees has designated the
Superintendent, 921 Fox Lane, San Jose, CA, 95131, 408-944-0397, to be the District Compliance Officer regarding questions or concerns about non-discrimination policies or practices (Title II, CCR, Federal Education Amendments Act of 1972 and Title VI Civil Rights Act of 1964), with the exception of Title IX issues, which are handled by the Program Manager, 921 Fox Lane, San Jose, Ca, 408-944-0388.

**Physical Examination**– A physical examination may not be given to a child whose parent has filed a written request for exemption from physical examination. However, a child may be sent home if there is good reason to believe he/she is suffering from a recognized contagious or infectious disease (EC 49451).

**Procedure for Student Access to the Internet**– A copy of the procedure for student access to the Internet is contained with the Orchard School Student-Parent Handbook (EC 48980, 51870).

**Pupil Fees**– A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

**Pupil Records / Notice Of Privacy Rights Of Parents And Students**– Federal and state laws concerning student records grant certain rights of privacy and right of access to students and to their parents. Full access to all personally identifiable written records maintained by the school district must be granted to: (1) Parents of students 17 and younger; (2) Parents of students age 18 and older if the student is a dependent for tax purposes; (3) Students age 18 and older, or students who are enrolled in an institution of postsecondary instruction (called "eligible students"). Parents, or an eligible student, may review individual records by making a request to the principal. The principal will see that explanation and interpretations are provided if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request. In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page within 5 days of the request. District policies and procedures relating to: location of, and types of, records; kinds of information retained; persons responsible for records; directory
information; access by other persons; review; and challenge of records are available through the principal at each school. When a student moves to a new district, records will be forwarded upon the request of the new school district. At the time of transfer the parent or eligible student may review, receive a copy (at a reasonable fee), and/or challenge the records. If you believe the district is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Department of Education (20 USC §1232g)(EC §49063 et seq., §49073, 34 CFR 99.30, 34 CFR 99.34, and the federal Family Educational Rights and Privacy Act).

**Reduced Grade/Credit**– Grade/credit cannot be reduced due to excused absence if work or test has been completed (EC 48205, 48980).

**Release Of Student Records / Compliance With Subpoena Or Court Order**- Districts are required to make a reasonable effort to notify parents in advance of disclosing student information pursuant to a subpoena or court order. (EC §§49076 AND 49077)

**Release Of Student Records To School Officials And Employees Of The District**- Districts may release educational records, without obtaining prior written parental consent, to any school official or employee, which would include accountants, consultants, contractors, or other service providers, who have a legitimate educational interest in the educational record (EC §§49076(a)(1) and 49064(d)).

**Required Parental Attendance**– The Education Code requires each school district to adopt a policy authorizing teachers to provide that the parent or guardian of a pupil who has been suspended by a teacher pursuant to EC 48910 for reasons specified in subdivision (l) or (k) of EC 48900 may attend a portion of the school day in his or her child’s or ward’s classroom. The policy shall take into account factors that may prevent compliance and shall affect only the class from which the student was suspended. In addition, the parent is protected by law from discharge, threatening with discharge, demotion or any unfair treatment by an employer for taking time to fulfill this requirement through Labor Code 89.7 (EC 48900.1).

**Right to Request**– Parents have the right to request information regarding the professional qualification of their child’s teacher and paraprofessional (20 USC 6311).

**Right to Refrain from Harmful or Destructive Use of Animals**– Individual students have the right to refrain from participation in activities that they feel constitute the harmful and destructive use of animals. Their teacher will give notification to pupils of their rights under this section whenever a course will utilize live or dead animal parts (EC 32255).

**Schedule of Minimum Days**– A copy of the current school calendar is available on the website, and in the school office (EC 48980).
**School Accountability Report Card**- Each school is required to prepare a School Accountability Report Card (SARC) and make it available to parents upon request. The SARC is available on the school website.

**Section 504 / Pupils With Disabilities (Section 504 of the Rehabilitation Act of 1973)**- Federal law requires districts to annually notify pupils with disabilities and their parents of the district’s nondiscriminatory policy and duty under Section 504 of the Rehabilitation Act. Discrimination on the basis of disability is prohibited. Section 504 requires districts to identify and evaluate children with disabilities to ensure a free, appropriate public education. Individuals with physical or mental impairment that substantially limits one or more major life activities, including learning, are eligible to receive services and aids designed to meet their needs to same extent needs of nondisabled students are met.

**Sex Education Courses/Venereal Disease Instruction**- Orchard School District may provide curriculum in sex education and venereal disease at the secondary level (6-8). Parents/guardians have the option of looking at the curriculum ahead of time. Parents/guardians may request in writing to the teacher that your student will not be participating in this instruction. An alternative assignment will be given to your student. At the elementary level (5th grade) Orchard School District may provide instruction in Family Life. A permission slip must be signed by a parent/guardian and returned to the teacher in order for your student to participate. This section does not apply to words or pictures in any science, hygiene and health textbook (EC 51937).

**Sexual Harassment – Students**- The District is required by law to provide a copy of its sexual harassment policy for students in its annual notification to parents. This policy is contained within the Orchard School Student-Parent Handbook.

**Special Education; Child Find System**- Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the school principal. Policy and procedures shall include written notification to all parents of their rights pursuant to EC §56300. (EC §56301)

**Special Education Complaints**- State regulations require the district to establish procedures to address complaints regarding special education. If you believe that the district is in violation of federal or state law governing the identification or placement of a special education student, or similar issues, you may file a written complaint with the district. State regulations require the district to forward your complaint to the State Superintendent of Public Instruction. Procedures are available from the school principal. (5 CCR §3080)

**Special Education (IDEA)**- State and federal law requires that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. More information
concerning student eligibility, parental rights and procedural safeguards are available upon request.

**Student Surveys** - Anonymous, voluntary, and confidential research and evaluation tools to measure student’s health behaviors and risks, such as tests, questionnaires, and surveys containing age-appropriate questions about the students’ attitudes and practices relating to sex, family life, morality, and religion may be administered to students if the parent is given written notification, an opportunity to review the document, and give consent or opt-out notice. (EC 51513).

**Suspension of Students** – The Education Code defines suspension as the “removal of a pupil from ongoing instruction for adjustment purposes”. Referrals are not considered suspensions. The Education Code lists the offenses that may be cause for suspending or expelling a student. Many disciplinary offenses fit under the listed general offense and thus may give cause for suspension or expulsion, and are contained within the Orchard School Student-Parent Handbook.

**Truancy** - Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without 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 attendance supervisor or to the assistant superintendent of the school district. (EC §48260)

**Use of Pesticides** – While Orchard School District does not use pesticides on a regular basis, information regarding pesticides that will be employed shall be posted on the school site.

**Vandalism** – In the event that it is found that a student has participated in, or is solely responsible for, an act of vandalism, the parents/guardians may be held liable for the cost of repairing the damage up to the maximum amount allowed under current civil code, and the costs of rewards up to the maximum amount allowed under current civil code.

**Visitors** – High school students must wait off campus until dismissal time unless supervised by a parent/guardian. We are always pleased to welcome parents to our school. To ensure the safety and wellbeing of the students, all visitors must first report to the office. All visitors on campus must respect student safety and privacy by not taking photographs or videos of students that are not their own custodial children and not using student restrooms. Restrooms are available in the front office. Kindergarten parents should wait at front, by the fence. Please enter the grounds by the front office area only – not from side alleys or playground gates. (CA Penal Code 626-8)

**Wellness Policy** – Orchard School District has adopted a wellness policy. Please refer to the school district website, [www.orchardsd.org](http://www.orchardsd.org) for more information on the Comprehensive School Safety Plan, of which the wellness policy is a part of.
Uniform, Williams and Other Complaint Procedures

This section contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by a local educational agency of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees.

This section presents information about how the Orchard Elementary School processes UCP complaints concerning particular programs or activities in which we receive state or federal funding. A complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, Orchard Elementary School shall assist the complainant in the filing of the complaint.

Programs or activities in which Orchard Elementary School receives state or federal funding are:

- Consolidated Categorical Aid Programs
- Child Nutrition Programs
- Local Control Accountability Plan
- Special Education Programs

This section also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation, and bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including those with actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity.
conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to Child Protective Services (CPS) or appropriate law enforcement agency.
2. Employment discrimination complaints shall be sent to the State Dept. of Fair Employment and Housing (DFEH).
3. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

The responsibilities of the Orchard Elementary School

*Orchard Elementary School* has the primary responsibility to insure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with our UCP procedures.

In regards to complaints of noncompliance with laws relating to pupil fees, if *Orchard Elementary School* finds merit in a complaint a remedy will be provided to all affected pupils, parents and guardians, that, where applicable, will include reasonable efforts by *Orchard Elementary School* to ensure full reimbursement to all affected pupils, parents and guardians.

Our UCP policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, and bullying remain confidential as appropriate. We submitted our UCP policies and procedures to our local governing board for approval and adoption.

The person responsible for receiving and investigating complaints and ensuring our compliance with state and federal laws and regulations is:

Name or title: [Superintendent or Designee]
Unit or office: [Superintendent’s Office]
Address: [921 Fox Lane, San Jose, CA]
Phone Number: [408-944-0397]

We ensure that the person above, who is responsible for compliance and/or investigations, is knowledgeable about the laws/programs that he/she is assigned to investigate. Complaints of noncompliance with laws relating to pupil fees are filed with the principal of the school.

We shall annually notify in writing our pupils, employees, parents or guardians of our pupils, school advisory committees, and other interested parties of our UCP
process regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. The UCP Annual Notice will be disseminated to all of the required groups each year and will include information on how to appeal to the CDE. An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body’s decision.

Our UCP Annual Notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

A copy of this UCP complaint policies and procedures document shall be available free of charge.

**Filing a complaint with the Orchard Elementary School**

Except for Williams Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by our LEA of federal or state law or regulation governing a program. A complaint of noncompliance with laws relating to pupil fees may be filed with the principal of the school under the Uniform Complaint Procedures and may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

An investigation of alleged unlawful discrimination, harassment, intimidation, and bullying shall be initiated by filing a complaint no later than six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, and bullying. The time for filing may be extended in writing by our district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended by our superintendent or his or her designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six (6) month time period. Our superintendent shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.
An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Except for Williams Complaints, within sixty (60) calendar days from the date of the receipt of the complaint, we shall conduct and complete an investigation of the complaint in accordance with our UCP policies and procedures and prepare a written Decision; also known as a final report. This time period may be extended by written agreement of the complainant.

The investigation shall include an opportunity for the complainant, or the complainant’s representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by Orchard Elementary School to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

We shall issue a Decision based on the evidence. The Decision shall be in writing and sent to the complainant within sixty (60) calendar days from receipt of the complaint by the local educational agency. The Decision should contain:

(i) the findings of fact based on the evidence gathered,
(ii) conclusion of law,
(iii) disposition of the complaint,
(iv) the rationale for such disposition,
(v) corrective actions, if any are warranted,
(vi) notice of the complainant’s right to appeal our LEA Decision to the CDE, and
(vii) procedures to be followed for initiating an appeal to the CDE.

Nothing in this section shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.
Williams and Uniform Complaint Procedures

Form

Last Name ____________________________ First Name ____________________________
Student Name (if applicable) __________________________________ Grade ______ Date of Birth ______
Address __________________________________________________________ Apt. # ______
City ____________________________ State ______ Zip Code ______
Home Phone ____________________________ Cell Phone ____________________________ Work Phone ____________________________

Date of Alleged Violation __________ School/Office of Alleged Violation ____________________________

For allegations in accordance with the Williams Settlement, please check each area upon which the complaint is alleged:

☐ Textbooks and Instructional Materials
☐ Facility Conditions
☐ Teacher Vacancy or Misassignment

For allegations of noncompliance, please check the program or activity referred to in your complaint, if applicable:

☐ Adult Education
☐ Career/Technical Education
☐ Special Education
☐ Local Control Accountability Plan

☐ Consolidated Categorical Aid
☐ Child Care & Development
☐ Pupil Fees for Educational Activities

☐ Migrant Education
☐ Child Nutrition

For complaints of discrimination, harassment, intimidation and/or bullying (employee-to-student, student-to-student, and third party to student), please check the protected classes (actual or perceived), upon which the alleged conduct was based, listed below:

☐ Actual or Perceived Sex
☐ Gender Identity
☐ Ethnic Group Identification
☐ Nationality
☐ Color
☐ Association with a person or group with one or more of the actual or perceived categories listed above

☐ Sexual Orientation
☐ Gender Expression
☐ Race or Ethnicity
☐ National Origin
☐ Mental or Physical Disability

☐ Gender
☐ Ancestry
☐ Religion
☐ Age

For complaints of bullying that are not based on the above listed protected classes, and other complaints not listed on this form, please continue to fill out the back section, and contact the School Principal at (408) 944-0388.

(Continued on back)
1. Please give the facts about your complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

2. Have you attempted to discuss your complaint with any Orchard School District personnel? If so, with whom and what was the result?

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

3. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supporting documents. Yes___ No___

Signature ___________________________________________ Date ________________

Mail, E-mail or fax your complaint/documents to:

Orchard School District
921 Fox Lane
San Jose, CA 95131
Fax: (408) 944-0394
For more information, please contact, UCP Coordinator at (408) 944-0388.
SIGN AND RETURN THIS PAGE TO YOUR CHILD’S TEACHER

We have read, understand, and agree to the Orchard School Handbook, including all described policies (Bus, Technology, Library, etc.).

Student name: __________________________________________________________
Student signature: ______________________________________________________

Parent/Guardian name: __________________________________________________
Parent/Guardian signature: ______________________________________________

Contact number: _________________________________________________________
Alternative number: _______________________________________________________

Date: _______________________

---

Video/Photograph Opt-Out Notice
Throughout the year, staff members often document the learning process through pictures and video. With the privacy of our children in mind, we want to ensure parents have a choice about allowing their child to be involved in this. In keeping with our school safety guidelines, we will not publish any child’s name in conjunction with their picture.
Please fill out this form ONLY IF YOU DO NOT WISH YOUR CHILD TO BE RECORDED OR PHOTOGRAPHED.
If we do not receive this signed form from you, Orchard School will assume that staff members may use your child’s image as mentioned above.

_________________________  ___________________________  _________________
Child’s Name  Parent/Guardian Signature  Date