

# Orchard School District Student-Parent Handbook

## **Orchard School Mission and Vision**

**Our Mission:** “We will meet you where you are and prepare you for where you are going.”

**Our Vision:** Inspire one student, one family and one neighborhood at a time.

**Dr. Jeff Bowman**  
Superintendent

**Kristina Zeballos**  
Principal

## **Orchard Strategic Priorities**

### **Student Achievement**

- Identify TK-8 core standards and establish pacing guides in English Language Arts and mathematics to assist with district-wide vertical alignment.
- Align grade reporting and local assessments district-wide.
- Implement data-driven intervention programs and supports, and provide extended learning opportunities for students in need.
- Review and/or revise the K-8 Digital Literacy/Citizenship curriculum.
- Adopt district-wide science curriculum.
- Establish agreed-upon student outcomes in the area(s) of critical thinking and problem-solving.
- Provide program enrichment opportunities in music, art, physical education, and STEM.

### **Social Emotional Learning**

- Foster “thriving student indicators” and reduce “student risk indicators” in partnership with parents, students, and community stakeholders.
- Provide a safe, orderly, and developmentally responsive learning environment for all students.

### **Financial Stability and Sustainability**

- Eliminate deficit spending in the unrestricted general fund.
- Continue to meet all state budget requirements.
- Recruit and retain highly-qualified administrators, teachers, support staff, and substitutes.
- Continue to prioritize reasonable class size limits as feasible.
- Provide classroom/grade-level funding sources for identified needs, aligned with district/school goals.

### **Human Resources**

- Provide meaningful, relevant staff development activities and leadership opportunities, aligned with school and district goals.
- Provide professional development for classified employees, aligned with school and district goals.
- Recruit and retain highly-qualified administrators, teachers, support staff, and substitutes.
- Provide elementary preparation time to support teacher planning and students' access to enrichment programs.

### **Safe and Maintained Facilities**

- Maintain safe, updated facilities, clear safety protocols, and up-to-date emergency plans and procedures.
- Continue to provide support for the effective integration of instructional technology.

### **Community Engagement**

- Provide parent engagement events, workshops, etc. based upon the expressed needs within the community.
- Continue to refine communication methods and strategies to encourage effective home-to-school communication.

## **Schoolwide Expectations**

The Orchard Bruins Behavior Matrix defines how students should behave in all areas of the school campus. The Behavior Matrix is based on common principles we foster at Orchard School.

### **For TK-8 grades, Orchard Bruins are:**

- Prepared
- Attentive
- Working together
- Safe

### **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.,

### **Academic and Behavior Supports**

Orchard School District operates under the principles of Growth Mindset, in which any individual can grow their brain and achieve anything with effort and the right strategies. Making mistakes is considered a part of the learning process under the principles of Growth Mindset. It is the goal of the Orchard School District that all students adopt and utilize a growth mindset for their learning.

### **Attendance and Truancy**

Consistent attendance is one of the keys to academic success. Parents can help their child(ren) succeed by ensuring daily attendance. Children should be in school daily unless they have an excused absence (i.e., illness, family emergency, doctor or dental appointment). Parents should call the school office at (408) 944-0388 on the day of the absence by 8:30 am 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 the entire academic day is not missed.

#### **3rd Unexcused Absence**

The law requires that a first Notification of Truancy be provided to a guardian. The superintendent will also be notified.

#### **4th Unexcused Absence**

The law requires that a second Notification be provided to the Superintendent. Guardians will receive the 2nd Notice of Truancy.

#### **School Attendance Review Team (SART)**

This team may: Conduct a home visit; Principal and Guardian meeting; Connect families with resources and supports; Guardians may be required

### 5th Unexcused Absence

The law requires a third Notification of Truancy be provided to a guardian. The superintendent will also be notified. The guardian will be invited to a meeting in the district office to discuss attendance.

### School Attendance Review Board (SARB)

After the 3rd report of Truancy or if a student has irregular attendance, a student may be referred to the SARB, a multi-agency board that connects families with services in exchange for a plan to improve attendance.

Guardians who fail to comply with SARB may be referred to the district attorney.

### District Attorney (DA) Referral for Prosecution of Infraction

A SARB and the district superintendent have the authority to refer a case to the DA for the prosecution of an infraction that can lead to fines of up to \$500.

### District Attorney (DA) Referral for Prosecution of Misdemeanor

Once a student is deemed chronically truant and all other efforts have failed, The matter to the DA for possible prosecution of a misdemeanor that can result in a fine of up to \$2000 and/ or jail time up to one year.

## **Attendance**

**Absences** - The Governing Board believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

**Absences Due to Family Travel and Vacations** - The District does not support the practice of taking trips/vacations on school days. Short-term independent study contracts may be requested in accordance with Board Policy and Administrative Regulation 6158 for an absence that is between five and ten days long. Short-term independent study contracts must be requested ten school days before the first day of the absence and are approved on a case-by-case basis by the school principal. The District will not hold a student's seat at a school after a ten-day absence, with or without a Short-term independent study contract, without pre-approval due to extenuating circumstances. The Office will work with families upon their return to confirm residency when an absence is more than ten days and is not pre-approved.

**Excused Absence for Personal Reasons** - The following specific information is important to you:

A student shall be excused from school for justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service of an immediate family member, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board. CA Education Code 48205 states the following:

CA Education Code § 48205 (2017)

Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

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

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

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

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

"Immediate family," as used in this section, has the same meaning as set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

(e) A student absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion, shall be given full credit. The teacher of any class from which a pupil is absent shall determine, pursuant to the regulations of the governing board of the school district, what assignments the pupil shall make up and in what period of time the pupil shall complete those assignments. The tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

### **Tardiness and Early Arrival**

Promptness to school is very important. Children who arrive later than the second bell should have communication from parents (note, phone) note from their parents or stating why they were late and should report to the office to check-in. Students who arrive without reason for their tardiness may receive a call from the school office or administration. If a student arrives late due to a medical/dental appointment, a doctor's note is required to be considered excused.

Students will be given a "late pass" and sent to their classroom. Unexcused tardies will be listed on the student's report card.

### **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' websites/Canvas pages for assignments and/or 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/Canvas on the third day of absence or later. Parents must call the office before 9:00 am, 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 Activity and Sports Eligibility**

To be eligible to try-out or participate in any given activity or sport, a student must have no Fs from the previous quarter grading period and maintain no failing grades.

Students may also be required to submit a weekly "Performance/Grade Check" to their coach or activity leader. Students must also be able to participate in their classes during the day fully. Students failing to meet or maintain this standard may be disqualified from tryouts or withdrawn from the activity. Students are not eligible to participate if they are absent from school that day. The administration may only reinstate participation status.

### **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 bikes; or 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 can not ride their skateboards on campus or in the staff parking lot. Students may not carry skateboards with them during the school day.

### **Bullying**

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

### **School Referrals**

Student behavior is positively reinforced. The Orchard staff will make all efforts to recognize and award improved and appropriate student behavior. These efforts may include:

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

A discipline referral may be issued if a significant school or classroom rule infraction occurs. Consequences for major rule infractions may include any of the following:

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

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

the school will always be notified.

Students must be dressed appropriately for school so that the student's dress and appearance cannot disrupt the learning process. The following are guidelines:

1. Shoes must always be worn. 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 logo which are crude, vulgar, profane, or of a sexual nature, which depicts drug, alcohol or tobacco company advertising, promotions, and likeness, or which advocate racial, ethnic, religious prejudice.
3. Hats, caps, sweatshirt hoods, and other head coverings shall not be worn indoors except for medical or religious purposes or approved by the teacher.
4. Clothing shall conceal undergarments at all times. Clothing that is too revealing is not permitted. 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. Chains of any kind and spiked apparel are not allowed.

When a student chooses not to follow the dress code, the student will be sent to the office for a change of clothes or to call home for proper attire. If a student continues to ignore the dress and grooming code, he/she may be subject to disciplinary action.

### **Home-School Communication**

Orchard School District values communication between home and school. To facilitate home-school communication, teachers and staff may use various forms of communication, including but not limited to: In person communication via parent-teacher conferences, written notes sent home, or via email, Talking Points, ClassDojo, Canvas messaging, or other internet-based communication.

### **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 student feedback.

It is the student's responsibility to complete homework. Parents are encouraged to support homework completion.



## **CALIFORNIA EDUCATION CODE FOR STUDENT DISCIPLINE**

Students who display inappropriate behavior may be subject to suspension as outlined in California State Education Codes 48900 and 48915. A student may be suspended or expelled for acts that are related to school activity or attendance while on the school grounds, while going to or coming from school, during the lunch period whether on or off campus, and during or while going to or coming from a school-sponsored activity.

EDUCATION CODE, SECTION 48900: A student who has committed the following acts is subject to discipline by suspension or expulsion:

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a)(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 possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, 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.
- (g) Stole or attempted to steal school property or private property.
- (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. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (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, 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.
- (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) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.

(r) Engaged in an act of bullying, including, but not limited to, bullying Committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

(s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district.

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.

(t) A pupil who aids or abets, as defined in Sec. 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

**EDUCATION CODE 48900.2: SEXUAL HARASSMENT:** In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purpose of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive education environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive. (Add. Stats. 1992, Ch. 909).

**EDUCATION CODE 48900.3: HATE VIOLENCE:** In addition to the reasons specified in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence. **EDUCATION CODE 48900.4:**

**HARASSMENT, THREATS, OR INTIMIDATION:** In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class-work, creating an intimidating or hostile educational environment. A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or expelled for acts which 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 lunch period, whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.

It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

EDUCATION CODE 48900.5: REQUIRED OTHER MEANS OF CORRECTION/EXCEPTIONS: "At the very minimum...students who are threatened with removal from school, depriving them of the fundamental right to a publicly financed education, are entitled to notice of the grounds for the removal and an opportunity to be heard." (Goss v. Lopez) Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools 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 or property or threatens to disrupt the instructional process.

EDUCATION CODE 48900.6: DISCIPLINARY ACTION/COMMUNITY SERVICE: Instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, or the superintendent of schools, or the governing board, may require a pupil to perform community service on school grounds during non-school hours. For the purposes of this section "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This section shall not apply to instances where suspension or expulsion is required by this article. (Add. Stats. 1995, Ch. 972).

EDUCATION CODE 48900.7: SUSPENSION OR EXPULSION FOR TERRORISTIC THREATS: (a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both. (b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her safety or his or her immediate family's safety, or the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Add. Stats. 1997, Ch. 405)

EDUCATION CODE 48900.8: SUSPENSION, EXPULSION, PARENT NOTIFICATION AND STATE DEPARTMENT OF EDUCATION REPORT: For purposes of notification to parents and for the reporting of expulsion or suspension offenses to the State Department of Education, each school district shall specifically identify, by offense committed, in all appropriate official records of a pupil each suspension or expulsion of that pupil for the commission of any of the offenses set forth in subdivisions (a) to (o), inclusive, of subdivision (a) of, or paragraphs (1) to (4), inclusive of subdivision (c) of, Section 48915. (Add Stats. 1997, Ch637).

EDUCATION CODE SECTION 48915:

(a) Mandatory Recommendations, Permissive Expulsions: Except as provided in subdivisions (c) and (e) the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:

(1) Causing serious physical injury to another person, except in self-defense.

(2) Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.

(3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 1053) 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. (For second offense, any amount, expulsion recommendation is mandatory. (AR 5131.6)

(4) Robbery or extortion.

(5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon school employee. (b) Dual finding required for 48915(a) and 48900(a), (b), (c),

(d), and (e): Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of

Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of section 48900. A decision to expel shall be based on a finding of one or both of the following:

(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct. (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others. (c) Mandatory Expulsions (one year from date of expulsion): The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and 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: (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (2) Brandishing a knife at another person. As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade (any size) that locks into place, or a razor with an unguarded blade.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (any amount)

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900. (5) Possession of an explosive.

### **Office Telephone**

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

### **Student Fees, Deposits, and Other Charges**

The California Constitution mandates that public education is provided to students free of charge unless the law authorizes a fee explicitly for a particular program or activity. This constitutional right of free access encompasses all educational activities, whether curricular or extracurricular and regardless of whether a credit is awarded for the educational activity. A process that allows for a waiver process for an otherwise mandatory fee, charge, or deposit does not render it constitutionally permissible. The California Department of Education has set regulations that provide that students “shall not be required to pay any fee, deposit or other charge” for educational or extracurricular activities unless the fee is expressly authorized by law.” (CA Code of Regs., Title 5, sec, 350) Under Education Code section 35330, field trip fees are considered permissible. However, a student may not be denied the opportunity to participate in the field trip for failure to pay the fee.

The District may request voluntary parent donations to support school activities. The law allows the District to ask students to assist with fundraising. Fundraising is voluntary, and every child will be allowed participation due to a lack of involvement in fundraising activities.

### **Progress Reports and Report Cards**

Report cards are sent home three (3) times a year for TK – 5<sup>th</sup> grade, with progress reports may be sent home six (6) weeks prior to the end of the trimester. Students in grades 6 – 8 receive report cards two (2) times a year, with progress reports sent home about eight (8) weeks before. Parents are encouraged to attend Fall Parent Conferences. Other conferences are scheduled at the request of staff or parents.

### **School Library**

Students may use the library for research or to check out books according to the following rules:

- Kindergarten, 1<sup>st</sup>, and 2nd-grade students can check out one book weekly.
- 3<sup>rd</sup>, 4<sup>th</sup>, and 5th-grade students can check out two books weekly.
- Middle school students are allowed to check out three books each week.

Students with overdue library books lose their checkout privileges until the late item(s) are returned. Families may be charged for damaged or lost textbooks or library books for which their child is responsible. If a lost book is found after it has been paid for, the money will be refunded upon request.

### **Student Use of Technology**

Using school electronic devices and access to the Internet is a privilege and will only be used for school-related education and research. Each student authorized to use district technology and their parent/guardian shall sign the Acceptable Use Agreement online. 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:

- Students will not access or post inappropriate material.
- Students will not post or share others' personal information or engage in cyberbullying.
- Handle all equipment with care and only with permission.
- 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 and apps 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 using tobacco of any kind while on school grounds or in the school parking lots. Information on smoking cessation programs is available in the front office.

### **8th Grade Promotion Activities**

Promotion activities are considered to be privileges. A student may ***be unable to*** participate in any ***8th-grade*** activities (i.e., promotion ceremony, field day and/or trip, dance) if he/she has ***been unable to meet behavioral and academic requirements.***

### **Smartphone and Headphones**

Cell phone and headphone use, including Bluetooth devices, are prohibited on campus AT ALL TIMES; this includes classrooms, restrooms, and outdoors. Texting and videotaping are not permitted during the school day, except with permission from teachers. Cell phones and headphones must remain in backpacks and silent mode during the instructional day. Failure to follow these guidelines will lead to the device being confiscated and the parent contact.

### **Buying and Selling**

Students are not allowed to buy and sell any items, including but not limited to candy, drinks, clothes, or other items.

## **PUPIL/PARENTS' RIGHTS AND RESPONSIBILITIES**

Described below are important programs and services the school District offers your children. Also included are pupil and parent rights and responsibilities related to those opportunities.

To assure that all parents are informed of these rights, please acknowledge receipt of this notification by electronically signing. AND submitting the form or by signing and returning the tear-off form at the front of this booklet to your child's school.

### **Mental Health Resources and Supports**

#### **Support Staff**

Orchard now offers a variety of mental health support staff including: full time school psychologist, a psychologist intern and a full time counselor. Services may include facilitating social and emotional services, conducting parent workshops and coordinating services with individuals and groups, risk assessment, crisis response, and SST facilitation.

### **Orchard Community Resource Center**

The Community Resource Room is located on the middle school side of the campus in room 40. The room will be used for parent meetings, parent workshops and to provide families with a variety of resources. Below are some of the possible free resources that will be available in the 2021-22 school year.

- Computer and printer available for use during hours the Center is open
- Parent classes
- Assistance with completing forms and information on school programs and procedures
- Translation services
- Libraries for adults and children
- Food pantry
- Clothing closet
- New shoes
- School supplies
- Haircuts
- Free eye exams and glasses for students in need
- Medical and dental services
- Mental health services

### **Student Success Team (SST)**

#### **What is the Student Success Team?**

A Student Success Team (SST) consists of school personnel knowledgeable about the student, the parent(s)/guardian(s), and when appropriate, the child. The SST uses a positive, problem solving intervention process to review the student's individual strengths and needs in order to develop strategies for addressing those needs. The philosophy is based upon the belief that the school, home, and community need to work together to assist the student with obstacles that become evident in the school setting.

### How is a student referred for an SST meeting?

Usually the classroom teacher makes the initial referral and indicates that the student's learning, behavioral, and/or emotional needs are not being adequately met under existing circumstances. Parents may also refer their child for Student Success Team consideration.

### Safety and Crisis Response

Crises may range in type, magnitude, and other factors that may impact students' educational functioning. Crisis or safety response may result from natural (e.g. earthquake) or human caused (e.g. accident) events. Orchard uses a comprehensive safety plan and trained staff to support individual, classroom, and campus levels of intervention as ruled necessary by our safety and crisis response teams.

### Risk Assessment

When an individual student is identified by a staff person or self-referred as a potential safety risk to self or others, the student will be seen by a school employed mental health professional within the same school day to assess risk and facilitate referral. If there is no mental health professional available, an administrator or other administratively designated professional will fill this role until a mental health professional can be brought in.

For students returning to school after a mental health crisis, a school employed mental health professional, the principal, or designee will meet with the student's parent or guardian, and if appropriate, meet with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school.

In situations where a student is assessed at risk for suicide or has made a suicide attempt, the student's parents or guardian will be informed as soon as practicable by the principal, designee, or mental health professional. The parent or guardian will be provided with recommendations for next steps to support their student.

### Health Curriculum

1. **California Healthy Youth Act (Ed. Code, § 51930 et seq.)** – The California Healthy Youth Act ("Act") authorizes a school district to inform parents/guardians about the district's comprehensive sexual health education and HIV prevention education. Parents/guardians will be notified no less than fourteen days prior to comprehensive sexual health education and/or HIV prevention education being provided to their student. Once arrangements for instructions are made parents/guardians will be notified whether the comprehensive sexual health education and/or HIV prevention education will be taught by school district/county office personnel or by outside consultants. A parent/guardian may request a copy of the Act from the school district. Written and audio-visual educational materials used in comprehensive sexual health education and HIV prevention education are available for parent/guardian inspection. A parent/guardian may request in writing to the school district that his/her child be excused from comprehensive sexual health education and/or HIV prevention education. If the student's parent/guardian declines to permit the student to receive such instruction, an alternative educational activity must be made available to the student. These provisions do not apply to human reproductive organs which may appear in science textbooks, adopted pursuant to law.



**Student Substance Abuse Prevention** - Student substance abuse prevention and early identification and intervention programs for students are supported by the Board of Education to keep students free from the use of harmful drugs, alcohol, and tobacco. (Board Policy 5131.6) 13 Student Health Information.

**Immunization** - Immunization for communicable disease is required of all children attending public school. You must submit an up to date immunization record at the time your child enrolls in school. If a child is not properly immunized or a valid Medical Exemption Statement from a medical doctor or doctor of osteopathic medicine who is licensed in the United States is not on file, the law requires that we exclude him/her from school. (California Education Code Section 48216) Immunization arranged for by the district for any of its programs is administered only with written consent of a parent. (California Education Code Section 49403).

**Medication** - Medication prescribed by a physician and over-the-counter medication required by a child during the school day may be administered by designated District employees if the school district receives (1) a written statement from the physician detailing the method, amount and time schedules by which such medication is to be taken, and (2) a written request from the parent or the guardian.

**Medication Regimen** - The parent or legal guardian of any public school student on a continuing medication regimen for an existing condition shall inform the school principal or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervising physician. With consent of the parent or legal guardian of the student, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. (California Education Code Section 49480)

**Communicable Conditions** - Students may be sent home because of a communicable condition such as head lice. The District enforces a "no nit" head lice policy. (California Education Code Section 48213, and California Administrative Code, Title 5, Section 202).

**Vision Evaluation** - Evaluation of a child's vision by the school district is required upon enrollment in a district and in grades 2, 5, and 8. The evaluation is waived upon presentation by the parent of an appropriate certificate from a physician or optometrist. (California Education Code Section 49452) Excusal from this requirement due to religious reasons is permitted upon written request from the parent.

**Emergency Epinephrine** - School districts, county offices of education, and charter schools shall provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered and school nurses or trained personnel may use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. If your child should not receive this emergency medical aid, notify your school in writing.

**Hearing Evaluation** - Evaluation of a child's hearing by the school district is required in grades K, 2, 5, and 8. The evaluation is waived upon presentation of a proper certificate from a physician. (California Education Code Section 49452).

**Children with Disabilities** - Children with disabilities have a right to a free appropriate public education and, if required, special education instruction and services that meet their unique needs. Such services may include specialized physical health care services for eligible students. (California Education Code Section 56000).

**Health Screening Requirement** - State law requires school districts to exclude any first grade student from school for up to five (5) days if the student does not have a health screening or the appropriate waiver. (Health and Safety Code Section 124105).

**Medical Insurance** - The Orchard School District does not provide medical insurance for students for school-related injuries. Medical expenses are the responsibility of the family.

**California Healthy Kids Survey (CHKS)** - The CHKS may be given bi-annually to students in grades 5 and 7. The survey data collected assists the District in: (1) fostering positive school climates and engagement in learning; (2) preventing youth health-risk behaviors; and (3) promoting positive youth development.

**Personal Beliefs** - Personal beliefs of students or parents are not explored through a test, questionnaire, survey, or examination which has questions about the student or his/her parent's personal beliefs, sexual practices, family life, morality, and religion without written permission by the parent or guardian. (California Education Code Section 51513)

**Accessibility** - Federal and state laws require that all school activities or school-related activities shall be accessible to all students, including students with disabilities, to the maximum extent possible. (California Education Code Sections 56001(g) and 34 CFR 300.114)

**Nonpublic School Placement** - Nonpublic, nonsectarian schooling is available for a student with disabilities for whom a special education placement in a public school is unavailable or inappropriate. (California Education Code Section 56031)

**Requirements for Nonpublic Placement** - If a parent/guardian is considering enrolling his/her disabled child in a private school at public expense without the consent or referral of the local educational agency, this is to inform you that a request for reimbursement of the cost of the private school placement may be reduced or denied unless you have met the following requirements:

- At the most recent IEP meeting that you attend prior to the removal of the child from the public school, you must inform the IEP team that you are rejecting the special education placement proposed by the public agency to provide a free appropriate public education. You must inform the IEP team of your concerns and state your intent to enroll your child in a private school at public expense; or
- Ten (10) business days (including any holidays that occur on a business day) prior to the removal of your child from the public school, you must give written notice to the public agency that you are rejecting the placement proposed by the public agency to provide a free appropriate public education, stating your concerns with the public agency's placement, and that you intend to enroll your child in a private school at public expense.

Prior to your removal of the child from the public school, you must make the child available for evaluation by the public agency if the agency informs you, through appropriate notice requirements, of its intent to evaluate the child, including a reasonable statement of the purpose of the evaluation. Further reimbursement may be limited or denied if a court determines that your actions were unreasonable. (California Education Code Section 56176)

**Special Education Due Process Complaints** - Special education due process complaints are filed with the Office of Administrative Hearings. Please refer to the special education Notice of Procedural Safeguards for further information. If not provided, this Notice may be obtained by contacting the Superintendent of Orchard School District. (California Code of Regulations, Title 5, Section 3080 et seq.)

**Sexual Harassment Policy** - The District shall maintain an educational, employment, and business environment free from harassment, intimidation, or insult on the basis of an individual's sex. Action will be taken when necessary to eliminate such practices or remedy their effects. Sexual harassment constitutes an unlawful form of sex discrimination. Within the educational environment, sexual harassment is prohibited between students, between employees and students, and between other nonstudents and students. Within the employment environment, sexual harassment is prohibited between supervisors and employees, between non-employees and employees, and between employees. A copy of Board Policy 4119.11, Sexual Harassment, is included in this packet of information, and is available and posted in the school office.

**Complaint Procedures** - In most cases, dissatisfaction with a student, employee, instructional program, or District condition can be resolved by contacting the staff member closest to, or responsible for, the circumstances. For example, if a parent is concerned about a teacher's decision and how it affects a student,

the first point of contact would be with the teacher. Directly communicating with the person in question is often the only recourse necessary for problem resolution. Complaints that cannot be resolved through informal discussion with the person(s) most directly involved should be referred to the school principal or superintendent.

**The following complaint procedures are available:**

*Uniform Complaint Procedures*

Uniform complaint procedures shall be followed when addressing complaints alleging unlawful discrimination or failure to comply with state and/or federal laws in consolidated categorical aid programs, child care and developmental programs, child nutrition programs, and special education programs. Parents may address complaints to the Superintendent, Orchard School District, 921 Fox Lane, San Jose, CA 95131. (California Code of Regulations, Title 5, Section 4600 and 4610)

*Williams Uniform Complaint Procedures*

The Williams Uniform Complaint Procedures establish policies and procedures regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment.

*Complaints Against Personnel*

For personnel complaints not covered by Uniform Complaint Procedures, parents may request a copy of Complaints Against Personnel (Board Policy 1312.1) by contacting the Superintendent, Orchard School District, 921 Fox Lane, San Jose, Ca. 95131.

*Complaints Concerning Instructional Materials*

This process encompasses complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment. (Board Policy 1312.2)

*General Complaints*

The General Complaint Procedures are for any staff member, parent, student, community member, or applicant who has a complaint regarding a practice, policy, or other condition of the District problems and concerns not listed above. (Board Policy 1312)

**Equal Opportunity Employer** - The Orchard School District provides equal opportunity in employment and access to school programs for all persons regardless of race, sex, religion, color, national origin, ethnic group, age, marital or parental status, physical or mental disability, or any other unlawful consideration in every aspect of personnel policy, practice, and program accessibility as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. Complaints may be addressed to the Superintendent, Orchard School District, 921 Fox Lane, San Jose, CA 95131.

**Mandated Reporting of Child Abuse** - Guidelines for parents to report suspected child abuse by school district employees or other persons against a student at a school site may be obtained by calling the Superintendent at (408) 944-0397. (California Education Code Section 33308.1)

**Temporary Disability of a Student** - A student with a temporary disability which makes attendance in the regular day classes or alternative education program in which the student is enrolled impossible or inadvisable shall receive individual instruction. Individual instruction for a student with a temporary disability will consist of up to five (5) hours of service per week. The purpose of the individual instruction is to maintain a student's academic standing while the student is unable to attend school. (California Education Code Section 48206.3)

**Parent and Pupil Rights Regarding Instruction, Instructional Materials, and Testing** - State law requires that the District:

- Provides that all instructional materials and assessments, including books, teacher's manuals, films, tapes, and software, must be made available for inspection by a parent. These materials need to be made available for "inspection" in a reasonable time frame or in accordance with procedures determined by the governing board.
- Grants parents the right to observe any instruction or other school activity involving their child. The parent must put this request in writing, and the school district must accommodate this request within a reasonable time. Observations of students/student programs/school activities can be disruptive to the school environment. As a general matter, to minimize interruption of the instructional program, school site or student observations by non-school staff should be limited to 45 minutes of observation per month. An appropriate professional should accompany the observer during the observation. However, this time may be increased/decreased by school sites depending on the particular circumstances of each observation request, including but not limited to the requirement of Education Code 56329.
- Prohibits a student from being compelled to affirm or disavow any particular personal or privately held worldview, religious doctrine, or political opinion. This provision does not relieve students of any obligation to complete regular classroom assignments.
- Prohibits a student from being tested for a behavioral, mental, or emotional evaluation without the informed written consent of the student's parent or guardian.
- Prohibits, notwithstanding provisions of law to the contrary, a school from requiring a student, or the student's family, to submit to any of the following: any assessment or monitoring of the student's home life; any form of parental screening or testing; any home-based counseling, parent training, or family education service plan

**Other Parent/Pupil Rights** - State laws also provide the following rights and responsibilities:

- To observe in their child's classroom (upon reasonable notice) following Administrative Regulation 5020.
- To meet with their child's teacher and the school principal (upon reasonable notice);
- To volunteer their time and resources at the school;
- To be notified on a timely basis if their child is absent from school without permission;
- To be notified concerning their child's classroom and standardized test performance;
- To be informed of their child's progress and appropriate school personnel to contact in the event of problems;
- To receive information concerning expectations for student learning.
- To review personally identifiable information in the pupil's records and correct erroneous information, in accordance with the process defined by a vendor who may access, use, store, or manage pupil records under an active software or cloud-based services contract.

## Uniform, Williams and Other Complaint Procedures Nondiscrimination/Harassment/Intimidation/Bullying

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

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination (such as discriminatory harassment, intimidation, and/or bullying).

This prohibition on discrimination (such as discriminatory harassment, intimidation, or bullying) applies to all acts related to a school activity or school attendance.

### **Grievance Procedures**

The following position is designated Coordinator for Nondiscrimination to handle formal, written uniform complaints regarding discrimination (such as discriminatory harassment, intimidation, and/or bullying) and to answer inquiries regarding the District's nondiscrimination policies:

Superintendent: Jeff Bowman  
Orchard School District  
921 Fox Lane, San Jose CA 95014 (408)  
944-0397

Any student who feels that they have been subjected to discrimination (such as discriminatory harassment, intimidation, or bullying) can immediately contact the Coordinator, the principal, or any other staff member to report such activity. In addition, any student who observes any such incident may report the incident to the Coordinator, principal, or any other staff member, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination (such as discriminatory harassment, intimidation, or bullying) shall report the incident to the Coordinator or principal, whether or not the victim files a complaint. In addition, the observing employee shall take immediate steps to intervene when safe to do so.

The identity of a complainant alleging discrimination (such as discriminatory harassment, intimidation, and/or bullying) shall remain confidential, as appropriate

Upon receiving a formal, written complaint of discrimination, staff members should forward the complaint to the site Principal, who will then forward the complaint to the Coordinator. The Coordinator shall investigate the complaint in accordance with the District's Uniform Complaint Procedures, or shall designate another individual to conduct such an investigation. Following receipt of the District's report, the complainant's appeal rights are as specified in the District's Uniform Complaint Procedures.

**Orchard School District ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)  
2024-2025**

For students, employees, parents/guardians, school, and appropriate private school officials, and other interested parties.

Orchard School District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) and complaints alleging violation of state or federal laws governing educational programs and the charging of unlawful pupil fees. The Orchard School District shall investigate all allegations of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any protected group as identified in Education Code sections 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 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 the LEA, which is funded directly by, or that receives or benefits from any state financial assistance.

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws related to:

Consolidated Categorical Aid Programs  
Child Care and Developmental Programs  
Child Nutrition Programs  
Special Education Programs  
Foster Youth  
Homeless Youth

A complaint of noncompliance with laws relating to pupil fees may be filed pursuant to the local UCP. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

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.

A pupil fee complaint shall not be filed later than one year from the alleged violation. Complaints other than complaints relating to pupil fees must be filed in writing with the following Compliance Officer:

Name and Title: Jeff Bowman/Superintendent  
Unit or office: District Office  
Address: 921 Fox Lane, San Jose, CA 95131  
Telephone: 408-944-0397

The Superintendent may assign secondary compliance officers to investigate and resolve complaints.

\*Complaints of noncompliance with laws relating to pupil fees are filed with the school principal. A complaint regarding pupil fees may be filed anonymously if the complaint provides evidence or information to support an allegation of noncompliance with laws relating to pupil fees.

Complaints alleging discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed within six (6) months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The LEA person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal the Orchard School District's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the Orchard School District's Decision. The appeal must include a copy of the complaint filed with the Orchard School District and a copy of the LEA's Decision. Civil law remedies may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the Orchard School District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions, and restraining orders. A copy of the Orchard School District's UCP policy and complaint procedures shall be available free of charge. The UCP procedures, including the rights of foster and homeless youth, are posted at the school site