Berkeley PUBLIC SCHOOLS

BERKELEY UNIFIED SCHOOL DISTRICT

Parent–Student Handbook

2024–25

MISSION, VISION AND VALUES
OF THE
BERKELEY UNIFIED SCHOOL DISTRICT

The Mission, Vision, and Values of Berkeley Unified are encapsulated in the four E's:

- Excellence
- Equity
- Engagement
- Enrichment

Excellence in Learning, in Teaching, and in Service to our Students and Families

Equity in Access, in Resource Allocation, and Educational Outcomes

Engagement with Parents, Guardians, Families, and Community

Enrichment in Curriculum with Music & the Arts, Libraries, Gardens & Nutrition, Science & Health, Physical Education & Sports

Mission

Enable and inspire our diverse student body to
achieve academic excellence and
make positive contributions to our world.

Values of Berkeley Unified School District:

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

Message from the Superintendent

Greetings BUSD Students and Families,

Welcome to the 2024-25 school year!

Our district's mission is to enable and inspire our diverse student body to achieve academic excellence and make positive contributions to our world. We believe that enabling means creating the conditions, informed by expectations and agreements for each of our school communities, that ensure that Berkeley students' experience is one of Excellence, Equity, Engagement and Enrichment.

We also believe that none of this can be accomplished without partnership with our students and families (inclusive of parents, guardians and caring adults). The BUSD Parent-Student Handbook serves as a tool to facilitate that partnership and establish those shared expectations and agreements. This handbook contains information and forms relevant to a range of useful topics, including student and family rights and responsibilities, district and local policies that impact your student, expectations, important forms, calendar and much more.

This handbook is a complement to our BUSD website - www.berkeleyschools.net - where you will find regular updates, district and site information and resources throughout the year.

Berkeley Unified believes in creating enriching learning experiences for our students, pathways to success that celebrate and cultivate our student's unique and diverse talents, skills, and knowledge so that every student realizes their full potential. We appreciate the time you will take to review and reference the content of this handbook - now and throughout the year - to ensure that you and your child are prepared with the information you need to have a successful school year in BUSD.

In Community,
Enikia Ford Morthel
Superintendent

District Announcement of Non-Discrimination

Notification of Non-Discrimination Policy

The Berkeley Unified School District is committed to providing equal opportunity for all individuals in district programs and activities. Accordingly, BUSD programs and activities shall be free from discrimination, harassment, intimidation and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression; nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities. (Board Policy 0410, Board Policy 1311, Board Policy 4030, Board Policy 5145.3, Board Policy 5145.7)

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy. (Board Policy 4030)
Complaint forms are available at school sites and on the district webpage at www.berkeleyschools.net/complaints.
For inquiries or concerns regarding BUSD nondiscrimination policy 5145.3 or the filing of discrimination complaints please contact:

Jasmina Viteskic, Title IX Coordinator/Compliance Officer
2020 Bonar Street Room 116, Berkeley, CA 94702
Phone: 510.486.9338
Email: nondiscrimination@berkeley.net

What's New

- Section 9.26 - Married/Pregnant/Parenting Students
- Section 9.27 - Lactation Accommodation
- Section 9.28 - Education for Homeless Children
- Section 9.29 - Academic Honesty
- Section 9.30 - Questioning and Apprehension by Law Enforcement
- Section 9.31 - Student Success Teams
- Section 9.32 - Admission
- Section 9.33 - Visitors/Outsiders
- Section 9.34 - Civility
- Section 9.35 - Disruptions
- Section 9.36 - Uniform Complaint Procedure

Note: In the event of a conflict between this handbook and a Board policy or regulation or any applicable law, Board policy or regulation or any applicable law takes precedence. This handbook's content may be changed from time to time throughout the 2024-2025 school year. An up-to-date version will be maintained online at www.berkeleyschools.net.

Berkeley Unified School District Human Resources Department

Board Approved 1/10/24

TK-12 Calendar 2024-2025

Month	Mon	Tue	Wed	Thur	Fri	Key Dates	Highlights	Student Days	Elementary Teacher Work Days	Secondary Teacher Work Days
JULY	1	2	3	4	5	7/4	Independence Day Holiday***			
2024	8	9	10	11	12					
	15	16	17	18	19					
	22	23	24	25	26					
	29	30	31					0	0	0
AUG				1	2					
2024	5	6	7	8	9	8/12	Staff Development Day (No school for students)			
	12	13	14	15	16	8/13	Teacher Work Day (No school for students)			
	19	20	21	22	23	8/14	First Day of School			
	26	27	28	29	30	8/29	Elementary Back to School Night	13	15	15
SEPT	2	3	4	5	6	9/2	Labor Day Holiday*			
2024	9	10	11	12	13	9/12	Middle School Back to School Night			
	16	17	18	19	20					
	23	24	25	26	27	9/26	High School Back to School Night			
	30							20	20	20
						10/7	District Staff Professional Development Day (No school for students)			
OCT		1	2	3	4	10/11	End of First Quarter (Secondary)			
2024	7	8	9	10	11	10/14	Indigenous Peoples Day (No School/Non Duty Day)			
	14	15	16	17	18	10/18	End of First Grading Period (Elementary)			
	21	22	23	24	25	10/28-10/31	Elementary Parent Teacher Conference Days (Shortened Days)			
	28	29	30	31		10/29-10/31	Middle School Conference Days (Shortened Days)	21	22	22
NOV					1	11/1	Secondary Break, Elementary Conference Day (No school for students)			
2024	4	5	6	7	8					
	11	12	13	14	15	11/11	Veterans' Day Holiday*			
	18	19	20	21	22	11/25-11/29	Fall Recess (No school for students)			
	25	26	27	28	29	11/27-11/29	Fall Board Holidays* (District Office Closed)	14	15	14
DEC	2	3	4	5	6					
2024	9	10	11	12	13					
	16	17	18	19	20	12/20	End of Second Quarter/First Semester (Secondary)			
	23	24	25	26	27	12/23-1/3	Winter Recess (No school for students)			
	30	31				12/24-12/26	Winter Board Holidays* (District Office Closed)	15	15	15
JAN			1	2	3	12/31-1/1	New Year's Holidays (District Office Closed)			
2025	6	7	8	9	10					
	13	14	15	16	17	1/20	Martin Luther King Jr. Birthday Holiday*			
	20	21	22	23	24					
	27	28	29	30	31	1/27	District Staff Professional Development Day (No school for students)	18	19	19
FEB	3	4	5	6	7	2/6	High School Open House			
2025	10	11	12	13	14	2/7	End of Second Grading Period (Elementary)			
	17	18	19	20	21	2/14	Lincoln's Birthday Holiday*			
	24	25	26	27	28	2/17	Presidents Day Holiday*	18	18	18
MAR	3	4	5	6	7					
2025	10	11	12	13	14	3/13	End of Third Quarter (Secondary)			
	17	18	19	20	21	3/14	No School/Non Duty Day			
	24	25	26	27	28					
	31					3/28	Cesar Chavez Day of Service and Learning	19	19	19
						3/31	Board Holiday* (District Office Closed)			
APR		1	2	3	4	3/31-4/4	Spring Recess (No school for students)			
2025	7	8	9	10	11					
	14	15	16	17	18					
	21	22	23	24	25					
	28	29	30					18	18	18
				1	2					
MAY	5	6	7	8	9	5/8	Elementary Open House			
2025	12	13	14	15	16	5/16	Malcolm X's Birthday Holiday*			
	19	20	21	22	23	5/22	Middle School Open House			
	26	27	28	29	30	5/26	Memorial Day Holiday*	20	20	20
						6/2-6/4	BHS Final Exams			
	2	3	4	5	6	6/5	Last Day of School (minimum day)			
JUN	9	10	11	12	13					
2025	16	17	18	19	20	6/19	Juneteenth Holiday*			
	23	24	25	26	27			4	4	4
	30									
*Certificated and Classified Staff **Certificated Staff ***12 Month Classified Staff #Selected Classified Employees ~Subject to change							Total Days	180	185	184

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Berkeley Unified School District

SCHOOL OFFICES

Berkeley Adult School	510-644-6130
Berkeley Arts Magnet Elementary School	510-644-6225
Berkeley High School	510-644-6120
Berkeley technology academy (bta) Cragmont	510-644-6159
Elementary School	510-644-8810
Early Childhood Education	510-644-6358
Emerson Elementary School	510-644-6890
John muir Elementary School	510-644-6410
Longfellow Middle School	510-644-6360
Malcolm x Elementary School	510-644-6313
Martin Luther King Jr. Middle School oxford	510-644-6280
Elementary School	510-644-6300
Rosa Parks Elementary School	510-644-8812
Ruth Acty Elementary School	510-644-6298
Sylvia Mendez Elementary School	510-644-6290
Thousand Oaks Elementary School	510-644-6368
Washington Elementary School	510-644-6310
Willard Middle School	510-644-6330
Independent Study/Home Hospital Instruction	510-644-8592

DISTRICT OFFICES

main phone line	510-644-4500
superintendent, enikia ford morthel	510-644-6206
board of education	510-644-6550

LAURA BABITT, PRESIDENT
ANA VASUDEO, VICE-PRESIDENT
MIKE CHANG, DIRECTOR
JENNIFER SHANOSKI, DIRECTOR
KA'DIJAH BROWN, DIRECTOR

ADMISSIONS AND ATTENDANCE	510-644-6504
BERKELEY SCHOOL EXCELLENCE PROGRAM (BSEP)	510-644-8717
BERKELEY SCHOOLS VOLUNTEERS	510-644-8833
COMPLIANCE OFFICER/TITLE IX COORDINATOR	510-486-9338
PRE-KINDERGARTEN - K-8 SCHOOLS	510-644-6202
PROGRAMS AND SPECIAL PROJECTS (LCAP, TITLE I, EL, GATE)	510-644-6202
EDUCATIONAL SERVICES	510-644-6257
EVALUATION AND ASSESSMENT	510-644-6959
HUMAN RESOURCES/EMPLOYMENT	510-644-6150
NUTRITION SERVICES	510-644-6200
FAMILY ENGAGEMENT AND EQUITY	510-644-8991
PUBLIC INFORMATION OFFICE	510-644-6320
SPECIAL EDUCATION AND HEALTH	510-644-6210
STUDENT SERVICES	510-883-5224
TRANSPORTATION	510-644-6182

Berkeley PUBLIC SCHOOLS

Berkeley Unified School District

General District Information

1. Curriculum and Instruction

1.1 Common Core State Standards (CCSS)

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

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

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

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

For information on curriculum and instruction, please call Chris Albeck, Director of Curriculum and Instruction, at 510-644-6002.

https://www.berkeleyschools.net/teaching-and-learning/

1.2. Report Cards

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

1.3. Student Assessments

In the spring of each year, all students in grades 2-8, and 11 are required to take the state mandated achievement tests as part of the State's California Assessment of Student Performance and Progress (CAASPP). However, a Special Education student's Individual Education Plan (IEP) may allow this student to take an alternate exam. The results of these tests are mailed to parents/guardians. Over time, the new CAASPP assessment will provide an additional data point, along with other test scores and achievement data to assess individual student achievement and the quality of instructional programs. Parents and teachers can use individual scores to monitor the progress of their students. For more information about the assessments that will be used with your student, please talk with their teacher. Information on the state testing program in general is posted on the CDE website.

<u>California English Language Development Test (CELDT)</u>

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

1.4. Promotion/Retention Requirements

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

*The state approved (AB104) in June 2021 that specifically allows for a parent to request retention for grades K-11th if their child failed ½ their coursework in 2020-2021 School Year. The family can request a conference with the school to discuss if retention is appropriate.

1.5. High School Graduation Requirements

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

These credits include:

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

1.6. Grading Policy
The Board of Education has adopted a standard grading policy, which can be found in Section 9 of this handbook. It is also important to note that after proper notification, a student's grades, transcript, and diploma can be withheld for damage to or failure to return school property (e.g., lockers, books, uniforms). Parents/guardians will be notified in writing of the student's alleged misconduct prior to the withholding of grades, transcript, or diploma (Education Code 48904). If you believe there is an error in grading, the first step is to contact the teacher. Ultimately, only the teacher of record can change a grade (Education Code 49066a).

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

An SST meeting can be convened at any time during the school year by a teacher, administrator, parent/guardian, or other school personnel working directly with the child. Parents/guardians who are interested in convening an SST meeting for their child should contact the principal (for elementary schools), counselor (for middle schools and high schools), or coordinator (for independent study). SST meeting participants typically include the parent/guardian, teacher(s), principal, and student (when appropriate), and may include other individuals knowledgeable about the student's difficulties. In the SST meeting, information about the student's strengths, difficulties, and responsiveness are exchanged.

This exchange is followed by the development of one or more specific goals for the student, and an action plan with strategies that will support the student in meeting these goals. Once an SST has been held, procedures are put in place to ensure that the action plan is implemented, including monitoring the student's progress and developing additional interventions if needed.

1.8. Special Education
According to state and federal law, all students aged 3 to 21 years who qualify for special education services, regardless of physical and/or mental ability, are entitled to a free and appropriate public education. To ensure that this right is protected, special instructional and support services are available to students with physical, cognitive, and emotional disabilities. The overriding mandate in assessing need and delivering services is that the student should be taught in the least restrictive environment. Therefore, when a student is referred for special education, every effort is made to serve the student in the regular general education program. For additional information, you may contact Shawn Mansager, Director, Special Education, at 644-6210.

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

To evaluate a student's eligibility under Section 504, the school site administrator or designee convenes a committee of individuals, including the parent, who are knowledgeable about the student's individual needs and school history, the meaning of evaluation data, and accommodation options. If the committee establishes that the student has a disability requiring services under Section 504, a written plan is developed that informs what modifications and/or special services and aids are needed. The Section 504 contact is the principal (for elementary schools), counselor (for middle schools and high schools), or coordinator (for independent study). The District Section 504 Coordinator is Phillip Shelley, Director of Student Services, 883-5224.

1.10. Procedures for Inclusion of Students with Disabilities in Non-Academic and Extra-Curricular Programs and Activities Mandate

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 prohibit nonacademic and extracurricular programs and activities, including after school programs, operated or sponsored by public schools from discriminating against students with disabilities by denying admission or ongoing participation solely on the basis of child's disability. These programs and activities may not deny a request for reasonable accommodations without making an individualized assessment of the student's needs. A request for reasonable accommodation may be denied only if the district determines that it would fundamentally alter the program, or otherwise impose an undue burden on the District. Provision of a free and appropriate education (FAPE) in the nonacademic or extracurricular program or activity is not generally required; however, there may be instances in which the student's Individualized Educational Program (IEP) or Section 504 team determines that participation in the program or activity is required as part of the student's FAPE.

IDEA, Section 504 and Nonacademic and Extracurricular Programs and Activities

The District must provide equal access for students with disabilities including those with IEPs or 504 Plans, by providing the aids, supports, modification and services that are necessary to include students in nonacademic or extracurricular programs and activities. Participation in the program or activity need not be required by the student's IEP or Section 504 plan in order for the student to receive aids, supports, modifications, or services. The aids, services, modifications or supports may or may not be the same as those implemented during the regular school day since the activities may be different and because participation may or may not be an element of the student's FAPE. The aids, services, modifications and supports provided will be based on the student's individual disability-related needs.

In addition, a student's IEP or Section 504 team may determine that the student requires participation in the non academic or extracurricular programs and activities to receive a FAPE to meet their IEP goals. In this case, the IEP or Section 504 team will determine what special education and related aids and services the student needs in order to participate. The IEP or Section 504 team would write extended day as the location for services.

Procedure for Making a Request for Disability Related Aids, Supports, Modifications, and Services

1. The parent/guardian will complete the enrollment process for the non academic or extracurricular program or activity.
2. For students without an IEP or 504 Plan, the parent/guardian will complete the Request Form for Disability Related Aids, Supports, Modifications and Services and submit it to the supervisor/designee for the non academic or extracurricular program or activity. In consultation with one or more individuals with expertise regarding the particular type of request, such as a special education program supervisor, school nurse, counselor, or other administrator, the supervisor or designee may approve or deny the request after making an assessment of the student's needs by gathering information from one or more of the following: parent/guardian, student's teacher, principal or other knowledgeable person, student's educational records including assessments. The aids, supports, etc. to be provided are then documented in the student's program or activities file.
3. For students with IEPs or 504 Plans, the parent/guardian will complete the Request Form for Disability Related Aids, Supports, Modifications and Services and submit it to the student's special education case manager at the school site. The IEP or 504 team will promptly convene and consider whether participation in the non academic or extracurricular program or activity is required as part of the student's FAPE; and, if so, the aids, services, modifications or supports necessary for the student's participation. The special education case manager will collaborate with the supervisor/designee for the non academic or extracurricular program or activity to document and implement the disability related aides, supports, modifications and services that will be implemented by the non academic or extracurricular program or activity staff.

   The IEP or Section 504 team may be expanded to include the supervisor/designee for the nonacademic or extracurricular program or activity. If the IEP or Section 504 team determines that participation in the nonacademic or extracurricular program or activity is not required as a part of FAPE, the team will advise the supervisor/designee of aids, services, modifications or supports that are needed to ensure equal opportunity to participate for the student. The aids, supports, etc. to be provided are then documented in the student's program or activities file.

Approval Process and Documentation

The supervisor/designee for nonacademic, extracurricular program or activity will notify the parent/guardian in writing of the decision to approve or deny requests in a timely manner. The supervisor/designee will determine if related aids, supports, modifications and services can be provided with existing resources or whether additional district resources will be needed. The district will provide approved aids, supports, modifications, and services at no cost to the parent or guardian.

If the parent/guardian wishes to challenge a denial of their request they can:

- Request a reconsideration by the Director of Special Programs and Projects (All decisions)
- File a complaint with the Compliance Office using the Uniform Complaint process (All decisions)
- Request mediation from the Office of Administrative Hearings (For IEP team decisions only)
- Request a due process hearing from the Office of Administrative Hearings (For IEP team decisions only)
- File a compliance complaint with the California Department of Education, Special Education Division (For IEP team decisions)
- File for a Section 504 hearing (for Section 504 team decisions)
- File a complaint with the Office for Civil Rights (All decisions)

Form Used
Request Form for Disability Related Aids, Supports, Modifications and Services – see page 70

1.11. Gifted and Talented Education (GATE)
Currently, the District does not receive dedicated funding from the State for Gifted and Talented Education (GATE). However, teachers provide differentiated instruction, such as tiered activities and flexible groupings in order to challenge and engage all students during the school day. Through District funds, BUSD also provides enrichment for students in arts and academics at all sites. At the High School level, students are able to take AP and Honors courses.

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

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

1.13. The Every Student Succeeds Act.
The Elementary and Secondary Education Act (ESEA) P.L. significantly changed many Federal education programs, including Title I. Districts are now required to notify parents annually of the following provisions of the law.

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

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

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

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

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

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

- the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- how such programs will specifically help their child learn English and meet age-appropriate academic

achievement standards for grade promotion and graduation;
- the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school, if applicable;
- in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child;
- information pertaining to parental rights.

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

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

Bilingual Programs:
Sylvia Mendez (K-5) elementary school offers a Two-Way Immersion Program (Spanish/ English).

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

The Office of Family Engagement and Equity together with family engagement site coordinators strives to equip parents with necessary information, skills, and ability to effectively navigate the school system, support their children's success in school and engage them in school leadership opportunities. In addition to conducting parent outreach efforts for events and programs, the family engagement site coordinators also provide direct support to parents and caregivers in need of resources or information to address concerns about their children. For additional information, call the OFEE Director, at 644-8991.

1.16. Berkeley Links Enrichment, Academics, and Recreation to the Needs of Students (LEARNS) After School Program The Berkeley LEARNS After School Program supports children in reaching their full potential by providing academic support, recreational activities, and enrichment classes in a safe and structured environment. Berkeley LEARNS is offered at every BUSD elementary school except Ruth Acty and John Muir, and all three middle schools. The program operates as soon as students are released from the school day until 6:00 p.m. Monday through Friday, when school is in session.

The program provides an academic support hour Monday through Thursday, which includes homework assistance and opportunities for continued development of literacy and math skills through hands-on activities. Tutors are available for added support at many sites through partnerships with UC Berkeley divisions, including Stiles Hall and Cal Corps, and Berkeley School Volunteers. Cultural enrichment opportunities are provided by program staff and contracted specialists. The range of classes includes: Visual and Performing Arts, Music, Life Skills, Science, and more. Personal growth is encouraged through competitive and non-competitive sports by building teamwork and a healthy competitive spirit, developing relationships, and having fun. Through the partnership with the City of Berkeley we are able to offer our elementary students an enhanced athletic program. The middle school programs include recreational sports and interscholastic athletic teams. Berkeley LEARNS enrollment fees are on a sliding scale that is based upon family income. For additional information please call Christi Roscigno, Program Supervisor, at 644-7770.

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

1.18. Faculty Meetings and Collaboration Time
Every elementary school, middle school and Berkeley Technology Academy, will schedule early dismissal every Wednesday in order to provide additional time for teachers to work together. Berkeley High School schedules "Late Start" every Monday morning for this same purpose. Ongoing professional development has proven to be one of the most effective ways to improve student achievement.

1.19. Library Services
Every school has a library that is staffed by a library paraprofessional and/or a credentialed teacher-librarian. Students visit their library with their classes and also on an individual basis. BUSD recognizes that reading for pleasure and informational purposes (e.g., research projects, classroom assignments and individual curiosity) is a key component to success in future years. Our school library resources can be accessed at http://www.berkeley.net/library-services/. For additional information, please call Jessica Lee, Library Coordinator, at 644-4895.

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

In middle school, students may choose Concert Band, Symphonic Band, Orchestra, Jazz Band, Modern Music or Chorus as an elective. The emphasis in middle school music is on working together as an ensemble as well as improving instrumental skills and techniques. Some afterschool programs offer music classes. At Berkeley High School, students may enroll in Band, Orchestra, Jazz Lab Band, Jazz Ensemble, Guitar, or Chorus as well as AP Music Theory. Students may choose to participate in Pep Band and join student-led collaborations such as jazz combos or the pit orchestra for the musical. The middle and high school groups attend regional and statewide competitions and festivals. For both middle and high school ensembles, participation in evening concerts are a mandatory component of the program. Grades 5-12 perform at the District Performing Arts Showcase in March. For further information, call Peter Gidlund, VAPA Program Supervisor at (510) 644-8772.

1.21. Comprehensive Sex Education and Sexual Harassment Education
Students, at various times in their education in the Berkeley Unified School District, will receive sex education instruction that is age/grade appropriate. The curriculum includes instruction on human sexuality, family life, Sexually Transmitted Diseases, pregnancy prevention, including abstinence, and HIV and AIDS prevention education. Parents/guardians will be provided written notification prior to the instruction taking place and have the opportunity to view materials and/or request that their child not participate in a unit of instruction. King Middle School and Berkeley High are participating in a five-year program through the California Department of Education to develop a model standards-based HIV/STD prevention education program. Sexual harassment awareness education that is grade level appropriate is provided to all students grades 4 – 12. In addition, in grades 7 – 12, education related to consent, adolescent relationship abuse, intimate partner violence, and sex trafficking is provided.

1.22. Alcohol, Tobacco, and Other Drug (ATOD) Prevention Education
ATOD prevention education is offered at every BUSD middle school and high school. BUSD 7th and 8th grade science teachers offer lessons using Project Alert, a research-based curriculum. The New Bridge Foundation's ASPIRE Program provides research-based educational activities related to ATOD prevention and offers ATOD-related counseling support for students. The City of Berkeley has partnered with BUSD to provide funding for the ASPIRE Program. Additional ATOD prevention education is provided through a 3-year Tobacco Use Prevention Education grant. Support for parents related to ATOD concerns is also available at middle and high schools.

1.23. Secondary Bridge Programs
Selected students will be invited to participate in the Bridge Academic Support Program. This program is designed to support students as they transition from the elementary schools into the middle schools and middle school to high school. As a participant in the Bridge Program, the student will be required to attend Afterschool Academic Support Class twice a week. Students will receive academic support and an opportunity to develop self-confidence, leadership skills, organizational skills and how to navigate middle /high school. Additionally, parents are required to attend two Parent Education Workshops during the school year.

1.24. AVID (Advancement Via Individual Determination)
AVID is an elective course that is offered to students in Grades 7 thru 12. It targets students in the academic middle with the interest to go to college and willingness to work hard. Often, the students may be the first in their families to attend college, and/or come from a traditionally underrepresented ethnicity in higher education. Students must be capable of completing rigorous curriculum. Enrollment in AVID will support the students with acquiring organizational and study skills, development of critical thinking skills, ongoing academic support from their peers and college tutors, and will provide opportunities to participate in enrichment and motivational activities. This is a research based College Readiness Program, that requires commitment from the student and support from the parent or guardian.

1.25 Physical Education Program
BUSD students in grades K – 5 receive a minimum of 200 minutes of Physical Education (PE) (does not include recess or lunch) every 10 school days. PE instruction in elementary schools is provided by the classroom teacher or a PE specialist. BUSD students in grades 6 – 8 receive a minimum of 400 minutes of PE every 10 school days. All middle school students take a PE course in grades 6 – 8; instruction is provided by a credentialed PE teacher. BUSD students in grades 9 – 12 must complete a minimum of 2 years of PE in order to receive a high school diploma. The PE requirement at the high school level may be met through participation in PE courses taught by credentialed PE teachers, participation in the high school's athletic program, or through a PE waiver (All PE waivers must be approved by a school administrator).

1.26. Gender Support
Gender support plans, gender transition plans, and/or requests for a student's name change and/or gender marker/gender pronoun change are processed by the Director of Student Services, Dr. Phillip Shelley, at 883-5224. The District's Name/Gender Marker Change Request Form is available on page 72.

1.27 School Accountability Report Card [E.C. 35256]
The School Accountability Report Card is available on request and is accessible on the BUSD website: www.berkeleyschools.net . This contains information about the District regarding the quality of the District's programs and its progress toward achieving stated goals.

1.28 Counseling Services Available for all Elementary, Middle School, and High School Students
BUSD offers counseling services at all elementary, middle, and high schools. All students are encouraged to participate in all programs, courses, and activities. Al l counseling staff and materials do not discriminate against any student based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics.

BUSD does not permit the use of different counseling materials for students on the basis of sex and the use of counseling materials does not permit or require different treatment of students based on sex. BUSD ensures that any disproportionate number of students of one sex enrolled in a particular class is not the result of counseling or appraisal material.

All BUSD Elementary Schools:
Behavioral health support, provided by licensed providers and/or interns, is available at all BUSD elementary schools. Available services include social skills groups and individual behavioral health support for students, and consultations with parents/guardians related to behavioral health support.

Longfellow, Martin Luther King, and Willard Middle Schools:
All BUSD middle schools have credentialed counselors. Counseling services available at middle schools include:

- Crisis intervention
- Assisting other school sites in crisis intervention
- Providing students individual and/or small group counseling
- Assisting students in developing interpersonal skills, improving responsibility and resolving conflicts
- Referring students to other school support services and community resources as needed
- Consultations with parents and staff as needed
- Facilitating Section 504 plans and related services for eligible students with disabilities
- Restorative practices including classroom circles, harm circles, and re-entry circles
- Activities to support positive school climate
- Substance use prevention education, counseling, and small groups
- Resources for pregnant, parenting, and lactating students
- Support for students dealing with trauma
- Support for homeless and foster youth Preparing students to transition to high school

Berkeley High School and Berkeley Technology Academy:
All BUSD high school counselors are credentialed. All BUSD high school students are assigned an academic counselor. Counseling services available at high schools include:

- Crisis intervention
- Assisting other school sites in crisis intervention
- Providing students individual and/or small group counseling
- Assisting students in developing interpersonal skills, improving responsibility and resolving conflicts
- Referring students to other school support services and community resources as needed
- Consultations with parents and staff as needed
- Facilitating Section 504 plans and related services for eligible students with disabilities
- Restorative practices including classroom circles, harm circles, and re-entry circles
- Activities to support positive school climate
- Substance use prevention education, counseling, and small groups
- Resources for pregnant, parenting, and lactating students
- Support for students dealing with trauma
- Support for homeless and foster youth Preparing students to transition to high school

- College and Career Planning: The counselors assist students and their parents/guardians with high school educational planning and programming to ensure that students have an appropriate secondary education. The counselors assist students in choosing among post-secondary options, both education and vocational. They also assist in the college selection process by providing information pertaining to admissions requirements, college admissions, scholarships, testing, and applications.
- Referrals to Alternative Education
- Monitoring Graduation Status/Credits
- College Preparation Workshops
- UC/CSU College Applications
- Community College Applications
- Financial Aid
- PSAT Interpretation
- High school orientation for middle school students and parents/guardians
- College Letters of Recommendation, Secondary School Reports, Mid-year Reports
- Grade Point Average Verification for Specific College Scholarships and Financial Aid
- Provide NCAA processing
- College Application Counseling including Essay Critique
- College Representative Program
- College Videos, Catalogs, and online searches in Career
- Center Scholarships Information,
- SAT/ACT Registration, and Military Information available in Career Center
- Graduation support for homeless and foster youth (AB1806/AB216)

2. Student Admissions

2.1 The Enrollment Process
The BUSD Admissions Office handles all student enrollment and assignment for grades TK-12. Outlined below is the enrollment process.

Continuing Students:
Berkeley residents who are presently attending an elementary or middle school will automatically be able to remain at their current school. Students wishing to change schools must fill out a Parent Preference Form indicating their first, second and third choice of schools for the next year. If space is not available at any of their choices, they will remain at their current school. Current fifth graders at all schools must fill out a preference form indicating their choices of middle school and must re-submit proofs of residency in January. All continuing students matriculating from 5th to 6th grade and from 8th to 9th grade must be re-enrolled, including verification of residency in Berkeley. Re-enrollment occurs during the winter; re-enrollment packets are mailed to all applicable families.

New Students:
Parents of students who are entering Berkeley's schools must fill out an enrollment form and list their preferences for schools. Along with the enrollment form, parents must submit the student's birth certificate and Berkeley residency documentation.

Documentation includes providing personal identification by providing an original of a current governmental identification (ID) card, as well as a declaration of Berkeley residency and proofs of Berkeley residency. The acceptable current proofs of Berkeley residency are documents imprinted with the name and current Berkeley address of the parent/legal guardian. The parent/legal guardian must provide one (1) original item from each of the following three (3) groups of documentation.

Group A: Renter or Homeowner Documentation

- Rental property contract or lease, with payment receipt (within 45 days)
- Renter's insurance policy or homeowner's insurance policy for the current year
- Current property tax statement or property deed

Group B: Utility Bill (Entire bill issued within the last two months)

- PG&E, Landline phone (non-cellular), EBMUD, Internet, Cable

Group C: Residency Documentation

- Current bank statement issued within the last two months (checking or savings only)
    - Action letter from Social Services or government agency issued within the last two months (cannot be property or business).
    - Recent paycheck stub or letter from employer on official company letterhead confirming residency address issued within the last two months.
    - Valid automobile registration in combination with valid automobile insurance
    - Voter registration for the most recent past election for the most recent upcoming election

Students transferring from another district must also submit a report card or transcript from the student's previous school. Depending on the circumstances, at times it may be necessary to conduct residency verifications to ascertain the student's domicile.

Non-Resident Students:
Students who are not Berkeley residents may request enrollment in Berkeley schools on an inter-district permit, if approved by the school district where they live and by BUSD. Inter-district permits must be renewed each year. No student attending on an inter-district permit will be placed until the permit renewal is received. Students who are on an inter-district permit must meet the district's standards for attendance, academics, and discipline records. Inter-district transfers are given only on a space available basis, with permission of home district. Under Berkeley's enrollment system, priority for enrollment is given to all Berkeley residents before inter-district students are admitted.

2.2 Enrollment Priorities
Under state law, parents may request any school in the district; however, first priority will be given to families who live in the school's attendance zone. Students are admitted to their preferred school in accordance with six district-established priorities:

- **Priority One**: Berkeley residents currently attending the school and living in that attendance zone.
- **Priority Two**: Berkeley residents currently attending the school and living out of the attendance zone.
- **Priority Three**: Berkeley residents who are siblings of any student currently in attendance on the basis of priority one or two above, and who will continue to be in attendance for the next school year. Where space is limited, in any given grade level at any given

school, all siblings of priority one students will be taken before any siblings of priority two students.

- **Priority Four**: Berkeley residents not currently attending the school and who live in the attendance zone.
- **Priority Five**: Berkeley residents not currently attending the school and who live outside of the attendance zone, and BUSD employees who do not reside in Berkeley.
- **Priority Six**: Non-Berkeley residents requesting inter-district transfers.

Lottery
When there are more applicants than space at a given school, the district will fill those spaces through a random computer selection – a lottery – of those applicants. The BUSD School Assignment Plan makes use of a diversity map which scores addresses according to a mix of socio-economic factors (parent income and parent education level) and ethnicity in order to balance a diverse student body for each school. The same system is used for assignment to learning communities at the high school - beginning with student preference and balancing by lottery

2.3 Middle School Assignment Plan

The goal of the middle student assignment plan is to integrate the middle schools racially and socio-economically.

Attendance Zones
The District will be divided into three middle school attendance zones. The map with the three zones is in Appendix A. The District will periodically review the zone boundaries to assess whether any population changes continue to provide student diversity and appropriate school capacity. The three zones are: Longfellow Middle School, King Middle School and Willard Middle School. Students residing in any of the three zones will be assigned to their respective middle schools. Students may request to attend a different zone and will be considered after in-zone residents are assigned.

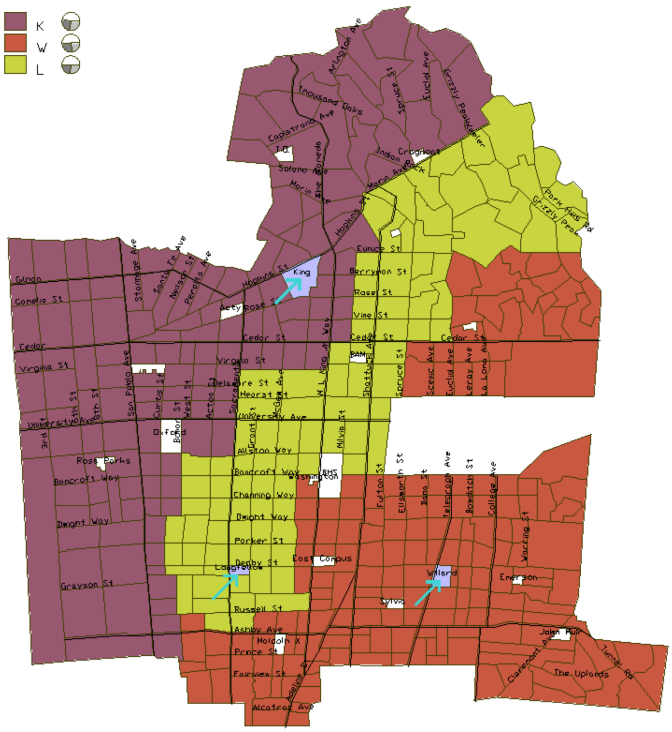
Siblings
The District is committed to maintaining school sibling priority. Students who are siblings of students currently attending Longfellow, Martin Luther King and Willard shall be given priority to be enrolled in the same middle school so that siblings can attend middle school together.

In addition, students who are enrolled in fifth grade in the 2022-23 school year and have an eighth-grade sibling enrolled at King, Longfellow and Willard during the 2022-23 school year will be granted sibling priority if requested. This one-year grace period will only be in effect for the 2023-24 school year. Following the 2023-24 school year, there shall be no legacy sibling policy.

Two-Way-Immersion
Students who attend Sylvia Méndez shall be enrolled at Longfellow Middle School for their middle school education irrespective of where they reside.

Transportation
Transportation will be provided for students who live 1.5 miles from Longfellow Middle School. The district will provide one express bus that picks up students at designated locations. The nature of the express bus will limit the ride time duration.

For further information, please call Admissions Manager, Francisco Martinez at 644-6504.



3. Attendance

3.1 Attendance

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

3.2. Absences

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

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

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

When a student has had excessive absences due to illness, the parent/guardian may be required to have a physician verify subsequent absences due to illness.

Unexcused absences may affect a student's academic standing.

Please contact your child's principal, vice-principal, or dean if you know your student is going to be absent for an extended period of time of a week or more. Short-term independent study may be approved by the Principal, depending upon the circumstances. Request for Short-term independent study for a period not to exceed 14 calendar days must be requested in writing, indicating 1) the reason for request 2) the date of departure 3) and the date of return. The request must be submitted to the principal of your child's school . Completion of independent study will help your student's academic achievement and will allow the District to collect ADA funds for the student. **Note: The District discourages families from taking vacations at times that cause students to be absent from school and will not approve independent study for purposes of vacations or other family trips that are not urgent.**

3.3. Dismissal Due to Illness

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

3.4. Truancy

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

- Habitual Truant: A pupil is deemed a habitual truant if s/he is reported as a truant three or more times per school year. However, no pupil shall be deemed a habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil.
- School Attendance Review Board (SARB): Any student deemed a habitual truant shall be referred to the School Attendance Review Board (SARB). The purpose of the SARB is to work collaboratively with the students and their families, and explore and utilize suggested interventions that will be successful for the pupil involved. Should SARB determine that its intervention services are insufficient or inappropriate to correct the truancy, or the pupil does not follow SARB's directions, then a referral may be submitted to the district attorney or county probation office.

3.5. Student Records

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

3.6. Emergency Cards

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

3.7 Family Preparedness Plans

Every family should have a Family Preparedness Plan. Have a plan so that a trusted adult can care for your child if you cannot. This plan should include emergency numbers, a list of important contact information and a file with important documents. On the District website, as well as at your school, there is a copy of a Family Preparedness Plan you can adapt for your family's needs, with a special section that addresses the concerns of immigrant families.

http://www.berkeleyschools.net/resources-for-immigrant-families/

4. Health and Safety

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

4.1 Student and Family Privacy Rights
Board Policy mandates that personal information concerning students and their families should be kept private in accordance with the law. Parents have the right to exempt their children from participating in (a) surveys that request personal information, and/or (b) physical exams or screenings. For example, every other year the District administers the California Healthy Kids Survey, a confidential and anonymous survey to students in grades 5, 7, 9 and 11 to help schools assess student health-related behaviors. Parents will be notified in writing in advance of this survey, as well as any other health surveys or screenings, and the procedure to opt out will be clearly explained. Students are screened for vision and hearing in grades K, 2, 5, 8, and 10 and by teacher referral. Parents must submit a note in writing to the school in order to opt out of vision and hearing screening.

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

Please see Board Policy 5141.21 on page 40 for more information. The form is available at all schools, on the BUSD website, and on page 69. This form should be filled out and signed by the child's physician and the parent/guardian.

4.3. Special Care Plans
Students with conditions requiring special care during their school day must have a physician signed care plan on file to guide designated school personnel in procedures required for the student's health and safety. Care plans for diabetes, seizures, asthma, and severe allergies are available on the BUSD website, to be completed by the student's medical provider on at least an annual basis and as the child's care needs change.

4.4. Medical Emergencies

If your child is in need of minor first aid, it will be administered in accordance with District first aid training. If medical attention appears to be necessary, but not required immediately, the parent/guardian or other emergency contacts listed will be contacted to pick the child up. Should immediate medical attention be necessary, the school will call an ambulance. If a person is suffering, or reasonably believed to be suffering, from an anaphylactic reaction, trained school personnel may use an epinephrine auto-injector to provide emergency medical assistance. If a person is suffering, or reasonably believe to be suffering, from an opioid overdose, trained school personnel may use naloxone hydrochloride or another opioid antagonist available to provide emergency medical assistance. Every effort will be made to contact the parent or other emergency contact person(s).

4.5. Immunizations and Other Health Requirements
To be admitted to school, children must be fully immunized in accordance with the law. Children shall be excluded from school only as allowed by law.

If you need assistance or information on free clinics, call the Alameda County Immunization Project at 510-267-3230. Parents are required to provide documentation that their child has been immunized against the following:

Kindergarten – 12th grade

- *Polio*
  - 4 doses meet the requirement, or
  - 3 doses meet the requirement if one dose was given on or after the 4th birthday
- *Diphtheria, Pertussis, and Tetanus (DTaP)*
  - 5 doses meet the requirement, or
  - 4 doses meet the requirement if at least one dose was given on or after the 4th birthday or
  - 3 doses meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the 7th birthday.
  - 1 or 2 doses of Td vaccine given on or after the seventh birthday counts toward the K-12 requirement

- *Pertussis (Tdap):*
  - 1 dose given after the 7th birthday is required for 7th grade students and students new to the District in grades 8-12.
- *Measles, Mumps, Rubella (MMR)*
  - 2 doses of measles, 2 doses of mumps, and 1 dose of rubella vaccine meet the requirement, separately or combined. Only doses administered on or after the first birthday meet the requirement

- *Hepatitis B*
    - 3 doses meet the requirement. Heb B is recommended to enter 7th grade.

- *Varicella (chicken pox)*
    - 2 doses (as opposed to 1 in prior years) of varicella vaccine is required at admission or transfer for TK/K-12 students and 7th grade advancement.

    - "Proof of disease" is no longer acceptable. The pupil would require a medical exemption from a physician based on prior disease.

Health and Safety Codes 120325-120380; Education Code Sections 48216, 49403.Parent permission must be given in writing before any child can participate in any immunization program sponsored by the District.

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

Oral Health Assessment Requirement
California law requires that children have an oral health assessment (dental checkup) by May 31 in either kindergarten or first grade, whichever is his or her first year in public school. Assessments that have been done within the 12 months before your child enters school also meet this requirement. The law specifies that a licensed dentist or other licensed or registered dental health professional must do the assessment. Parent waivers are available under certain conditions. If you need assistance finding a low-cost pediatric dental provider please contact Berkeley Public Health Division at (510) 981-5300.

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

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

Oral Health Screenings
The City of Berkeley School-Linked Health Services Program partners with the Alameda County Office of Dental Health to provide free dental screenings, dental sealants, and preventative dental education to all 2nd and 5th grade students. Parents have the right to refuse this program and must submit written documentation prior to the screening. This program is not meant to replace regular, professional dental care.

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

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

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

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

For additional information, please call Marni Posey, Director, Nutrition Services, at 644-6200.

4.10. Sexual Harassment

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

Definition of Sexual Harassment

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

Specific Examples of Sexual Harassment

Sexual harassment may include, but is not limited to:

- Unwelcome written, verbal, physical, and/or visual contact with sexual overtones such as slurs, crude jokes, touching, blocking movement, sexual cartoons or drawings, and obscene language.
- Continuing to express sexual interest after being informed that the interest is unwelcome.
- Sexting (sending sexually explicit images or text).
- Postings with sexual overtones on social media sites.

Note that possession of sexually explicit images involving minors may also be a criminal offense.

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

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

Consequences for Students Who Engage in Sexual Harassment

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

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

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

Consequences for Adults Who Engage in Sexual Harassment

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

Support for Victims of Sexual Harassment

Students who have been sexually harassed can get support from the school counselor or administrator. Staff members who have been sexually harassed can get support through BUSD's Employee Assistance Program. Additional resources are listed on the BUSD website at http://www.berkeleyschools.net/departments/titleix

Protections for Victims of Sexual Harassment

Reasonable efforts will be made to maintain the confidentiality of anyone who reports sexual harassment. Retaliation towards a student or staff member who reports that they have been sexually harassed is illegal.

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

4.11. Surveillance Cameras at Schools

For the safety of students and staff, surveillance cameras that include video only (no audio) are installed in several locations at some elementary schools, at every middle school and high school in BUSD, and at the adult school. Surveillance cameras are not located inside any school bathrooms or locker rooms. Surveillance videos are viewed by school administrators and safety officers and may also be viewed by police, as allowed by law, and used as evidence in disciplinary matters. Board Policy 3515 regarding the use of surveillance cameras at schools includes guidelines regarding viewing live video feed when an immediate safety threat exists. Surveillance cameras will be installed at all schools.

4.12 Accommodations for a Lactating Student

Reasonable accommodations are provided to a lactating

student on a school campus to allow the student to express breast milk, breastfeed an infant, or address other needs related to breastfeeding. A lactating student may seek assistance regarding accommodations from the Director of Student Services in Room 112 of the District Office at 2020 Bonar Street, and may also seek support from the Health Center at BHS (for BHS students) or from a counselor or administrator at the school.

4.13. Caregiver's Legal Duty to Safely Store Firearms

GUNS AND CHILDREN--FIREARM OWNER RESPONSIBILITIES

Summary of Safe Storage Laws Regarding Children

You may be guilty of a misdemeanor or a felony if you keep a loaded firearm within any premises that are under your custody or control and a child under 18 years of age obtains and uses it, resulting in injury or death, or carries it to a public place, unless you stored the firearm in a locked container or locked the firearm with a locking device to temporarily keep it from functioning.
Child safety precautions still apply even if you have no children or if your children have grown to adulthood and left home. A nephew, niece, neighbor's child or a grandchild may come to visit. Practice gun safety at all times.

To prevent injury or death caused by improper storage of guns in a home where children are likely to be present, you should store all guns unloaded, lock them with a firearms safety device and store them in a locked container. Ammunition should be stored in a location separate from the gun.

Safety and Storage Devices

If you decide to keep a firearm in your home you must consider the issue of how to store the firearm in a safe and secure manner. California recognizes the importance of safe storage by requiring that all firearms sold in California be accompanied by a DOJ-approved firearms safety device or proof that the purchaser owns a gun safe that meets regulatory standards established by the Department. The current list of DOJ-approved firearms safety devices and the gun safe standards can be viewed by visiting http://oag.ca.gov/firearms/fsdcertlist. (California Department of Justice).

For more information regarding Firearm Safety, visit the California Department of Justice web page at https://oag.ca.gov/firearms/tips#owners%20responsibilities.

5. Student Discipline

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

5.1 Grounds for Suspension and Expulsion

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

a. (1) Caused, attempted to cause, or threatened to cause, physical injury to another person; or (2) willfully used force or violence upon the person of another, except in self-defense.
b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of the possession of such object, the pupil has obtained written permission to possess the item from a certificated school employee, which is concurred by the Principal or the designee of the Principal.
c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance, as defined in Section 11007 of the Health and Safety Code, an alcoholic beverage or intoxicant of any kind.
d. Unlawfully offered, arranged, or negotiated to sell any controlled substances, as defined in Section 11053 of the Health and Safety Code, an alcoholic beverage or any intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid substance, alcoholic beverage, or intoxicant and represented it as a controlled substance, alcoholic beverage, or intoxicant.
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. (School property, as referenced in f) and g) includes, but is not limited to, electronic files and databases.)
h. Possessed or used tobacco, or any product containing tobacco or nicotine products, including but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, or betel.
i. Committed an obscene act or engaged in habitual profanity or vulgarity.
j. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
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. (applies to grades 4 – 12 only)
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 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 sexual battery as defined in Section 243.3 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 prescription drugs.
q. Engaged in, or attempted to engage in hazing.
r. Engaged in an act of bullying, including, but not limited to bullying by means of an electronic act, towards a pupil or school personnel.
s. Aided or abetted the infliction or attempted infliction of physical injury on another person.

- **48900.2** - Committed sexual harassment that has a negative impact on another's academic performance, or creates an intimidating, hostile or offensive educational environment (applies to grades 4-12 only)

- **48900.3** - Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (applies to grades 4-12 only).
- **48900.4** - Intentionally engaged in harassment, threats or intimidation, directed against school district personnel or pupils.
- **48900.7** - Made terroristic threats against school officials, school property, or both.

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

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

5.2 Expulsion Recommendation

Discretionary

Exception under extraordinary circumstances, students shall not be recommended for expulsion for Education Code violations that do not fall under Education Code sections 48915(a) or 48915(c). (Board Policy 5144.3).

Shall recommend expulsion unless particular circumstance render inappropriate

Per Education Code Section 48915(a)(1), the Principal of the school (or designee) or the Superintendent shall recommend a pupil's expulsion for any of the following acts unless the Principal (or designee) or Superintendent finds that expulsion should not be recommended due to the circumstances or that an alternative means of correction would address the conduct. Except in extraordinary circumstances, for violations of Education Code Section 48915(a)(1), other means of correction should be employed and expulsion should not be recommended (Board Policy 5144.3):

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

Must Recommend Expulsion (Mandatory)

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

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

The Board shall suspend the expulsion of any expulsion order unless it is uniquely inappropriate to do so in the particular case (Board Policy 5144.3 see Appendix 9.17).

5.3. Due Process

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

5.4. Safe Schools & Violence Prevention

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

comprehensive school safety plan shall be evaluated and updated annually and amended as needed.

6. Home to School Transportation

6.1 District Buses

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

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

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

6.2. Discipline Process

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

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

For additional information regarding BUSD Transportation please call Sheila Collier, Manager, at 644-6182.

6.3. Walking to School or the Bus Stop

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

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

6.4. Bicycling

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

Basic Bike Safety Principles

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

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

You can find a suitable bicycle route on the online map listed at:

www.ci.berkeley.ca.us/transportation/Bicycling/bicycling.html or in the school office. In addition, some schools provide bicycle parking, such as secure bicycle cages and racks.

Additional Safety Measures

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

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

6.5. Driving Your Child to School

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

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

The City of Berkeley Parking Enforcement Division will issue traffic citations to anyone not observing posted signs or practicing general safety procedures. Officers are posted at each school site on various days of the week to observe student drop off procedures. Citations will be issued for anyone:

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

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

7. Technology in Schools

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

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

For further information, please call Max Eissler, Director, Technology, at 644-8890.

8. Parent/Community Involvement & Communication

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

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

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

8.2. Parent Teacher Conferences
Formal Parent Teacher Conferences for Kindergarten through 8th grade students' parents/ guardians will be held in November. The purpose of this conference is to meet individually with the teacher to discuss progress to date and the first report card of the year. Parents/guardians are encouraged to request additional conference appointments with their child's teacher as the need arises. Please follow school site procedures for setting up appointments with your child's teacher. If you are a non-native speaker of English, services are available using the Language Line phone service.

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

8.4. Family Engagement and Equity
Many schools have Family Engagement Specialists whose focus is to equip parents with necessary information, skills, and resources to effectively navigate the school system, support their children's success in school and engage them in school leadership opportunities. The Family Engagement team also provides support to parents and caregivers in need of advocacy support and information to address concerns about their children. For further information, contact the Family Engagement and Equity Director,, at 644-8991.

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

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

8.7. School Site Committees
School Site Councils (SSC)
The School Site Council is charged with developing, reviewing, and evaluating annually a School Plan for Student Achievement, which addresses:

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

The SSC monitors and evaluates the School Plan for Student Achievement (SPSA) to ensure that BSEP funds, Title I, and other resources are being spent appropriately. Members of the SSC include the principal, teachers, classified staff, parents, other community members, and at the secondary schools, students. Members of each group are selected by their peers. Elections for membership are held annually at each school; the meetings are open to the public. Decisions made by the School Site Council affect the school experience of every student.

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

- review the school plan for services to MLL students
- conduct a needs assessment

- review the language census
- give input on the EIA/EL budget; and
- increase parent awareness of the importance of school involvement.

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

8.8. District Level Committees

District English Learner Advisory Committee (DELAC)

This committee is composed of representatives from each site's ELAC, along with District and site staff, and community members. The committee may advise the District on services for Multilingual Language Learners, including ensuring parental involvement. The DELAC also serves as the English Learner Parent Advisory Committee (ELPAC) for consultation, review and comment on the district's Local Control and Accountability Plan (LCAP) for supplemental state funds under the Local Control Funding Formula. Translation at these meetings is available. For additional information, contact the Office of Categorical and Special Projects at 644-6202.

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

The Berkeley Public Schools' Educational Excellence Act of 2016 (Measure E1 of 2016) is a local special tax which provides over $37 million each year for the enhancement of our school programs. Two-thirds of BSEP funds are used to provide more classroom teachers and other supports for classroom teaching, enabling the district to maintain smaller class sizes than could be afforded through the General Fund.

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

The BSEP program is overseen by the Planning and Oversight Committee (P&O), a citizens ' committee with representatives from every school, selected by each school's School Site Council. The role of the P&O Committee is to advise the District in developing plans and budgets for each of the BSEP programs, and to monitor the expenditures of BSEP funds. The P&O Committee representatives serve as a conduit between their school and the P&O committee to share information about BSEP plans and activities. Serving on the Planning and Oversight Committee is an excellent way to obtain an overview of how the district functions, and to help ensure that BSEP funds are used in accordance with measure and approved plans.

Information is available on the BUSD website and through the BSEP Office at bsep@berkeley.net , or by calling the BSEP office at 644-8717.

The Local Control and Accountability Plan (LCAP) and Parent Advisory Committee (PAC)

In January, 2014 a new Parent Advisory Committee (PAC) was formed under the guidelines of the new California State Local Control Funding Formula, which requires a forum for consulting parent representatives on the three-year plan now required of all school districts in California. Together with the DELAC, the role of the PAC is to consult, review, and comment on the district's Local Control Accountability Plan. For additional information, contact the Office of Categorical and Special Projects at 644-6202.

Meaningful engagement of parents, students, and other stakeholders, including those representing students qualifying for free and reduced price meals, English learners, and foster youth, is a state priority and key component of the Local Control Accountability Plan (LCAP) development process. Representatives are appointed from each school, with one from each elementary site, two from each middle school, three from Berkeley High School, one from Berkeley Technology Academy, one student representative, and one from the Early Childhood Education Program, as well as three at large for the district.

Bond Oversight Committee

The charge of the Bond Oversight Committee is to provide enhanced accountability to the Berkeley community by ensuring that monies from the Berkeley Schools Construction Bonds of 2010, 2000 and 1992 (Measures I, AA and A respectively) are spent in accordance with the Measures and the Board approved modifications. The Committee meets monthly to review whether projects are contained within the Measure I language, review audits, scrutinize project expenditures, review construction program modifications, and produce an annual report. They advise the Board of any concerns with regard to the expenditures or progress of construction projects and present an annual report. Information about the Committee is available at 644-6066 and on the BUSD website.

Facilities Maintenance & Security Oversight Committee

The charge of the Facilities Maintenance & Security Oversight Committee is to provide enhanced accountability to the Berkeley community by ensuring that monies from the Berkeley Schools Facilities Safety and Measures Act of 2010 (Measures H) are spent in accordance with the Measure. The Committee reviews the District's administration of and compliance with the terms of the Measure and provides input into annual and long-term goals for maintenance and security of the District's facilities.

The Committee reports to the Board of Education and advises them of concerns and matters related to BUSD maintenance. Information about the Committee is available at 644-6250 and on the BUSD website.

Berkeley Arts in Education Steering Committee

The Berkeley Arts in Education Steering Committee (BAESC) welcomes parents, teachers, arts organizations and community members. Meeting bi-monthly during the school year, BAESC believes that regular, sequential standards-based instruction in all four arts – dance, drama, music and visual arts – is essential for all students in BUSD schools. To achieve this goal, the committee seeks resources and partnerships to make quality arts instruction equitable and accessible. BAESC works to provide a stable infrastructure for the district's art programs by assessing existing programs and facilities and supporting the BUSD Arts Education Plan. Committee members make reports to the Board of Education and lend support for the annual Performing Arts Showcase. For further information, call Peter Gidlund, VAPA Program Supervisor at (510) 644-8772.

Audit Committee

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

8.9. Website

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

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

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

8.10. Distribution of Materials

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

8.11. Berkeley Public Schools Fund

The Berkeley Public Schools Fund is a non-profit organization that mobilizes financial and volunteer resources to directly support student success through excellent teaching. With support from individuals, businesses, government and foundations, the Schools Fund is able to provide over $400,000 annually in direct grant support for teachers and their classrooms; manage another $200,000 in special projects funds for programs and teachers; administer the Berkeley School Volunteers program; and serve as a catalyst, facilitator, advocate and fundraiser for public education within and outside the District. With the Schools Fund's help, students and teachers travel throughout the Bay Area on field trips; enjoy working with visiting art, dance and theater professionals; use various technology tools or supplemental curriculum materials to support reading, math, science and social studies; have bookshelves replenished with engaging fiction and non-fiction selections — and many other educational enrichment opportunities.

The School Fund's Berkeley School Volunteers (BSV) program engages some 1,000 community volunteers to assist in the schools. BSV, fully funded by the Schools Fund, has authority from BUSD to recruit, train, and place volunteers from the community with teachers and staff who have requested volunteer assistance. Annually, BSV volunteers give the equivalent of at least $1 million in donated time and talent. BSV's diverse programs make volunteering in our schools easy for even the busiest of community members. From writing a monthly "Lit Pal" letter to tutoring regularly in classrooms, BSV volunteers make an invaluable contribution to teachers, students, and public education in Berkeley!

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

8.12 Use of Student Images/Schoolwork

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

During the school year, your student may be photographed or filmed by District staff while participating in school programs and activities. If you have a special concern about the use of your student's image or name, please notify the school office.

We want you to know that our Board Policies and Administrative regulations provide the following guidelines:

Photos and Videos

- Photos and videos showing two or more students may be published without parent permission, such as videos showing students engaged in classroom/ school activities,
- Photos and videos of public performances, or other special events open to the general public may be published and shared.

Student Names

- Parent permission will be required to publish the first and last names of students along the photo or video, unless the student is appearing in an award ceremony and other public event. Otherwise, photos and videos are published without names, or with first names only.

Student Work:

- Student artwork, schoolwork, writing and media may be shared publicly (website, social media, print publications) as long as the student's full name is not used. Parent permission is required for the use of a student's full name in association with the student's work.

8.13. Media and Special Projects

There are times when schools may be featured in various news media. News reporters, photographers and/or film crews from TV, radio stations, newspapers, magazines, online publications, or other media may wish to interview, photograph and/or film your child in relation to a story about our schools or students, such as a school performance, a sports competition, or other newsworthy events. Your child's name might be included in the report. We want you to know Media representatives must register immediately upon entering any school building or grounds when school is in session and a media representative who wishes to photograph students on school grounds should first make arrangements with the PIO, principal or designee. We want you to know that in accordance with Board Policies and Administrative Regulations:

- The district will not impose restraints on students' right to speak freely with media representatives at those times which do not disrupt a student's educational program.
- Parents/guardian may, at their discretion, instruct their children not to communicate with news media representatives.

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

Berkeley
PUBLIC SCHOOLS
Berkeley Unified School District

9. Policies and Procedures

For the most up-to-date list of BUSD policies, consult the BUSD website at https://www.berkeleyschools.net/schoolboard/policies/

9.1. Non-Discrimination Statement
The Berkeley Unified School District is committed to providing equal opportunity for all individuals in district programs and activities. Accordingly, BUSD programs and activities shall be free from discrimination, harassment, intimidation and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression; nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities. (Board Policy 0410, Board Policy 1311, Board Policy 4030, Board Policy 5145.3, Board Policy 5145.7)

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy. (Board Policy 4030)

Complaint forms are available at school sites and on the district webpage at www.berkeleyschools.net/complaints.

For inquiries or concerns regarding BUSD nondiscrimination policy 5145.3 or the filing of discrimination complaints please contact:

Title IX Coordinator and Compliance Officer
2020 Bonar Street, Room 116
Berkeley CA 94702
Phone: 510-486-9338
Email: nondiscrimination@berkeley.net

Inquiries may also be referred to the Office for Civil Rights:

U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102, Mail Room 1200, Room 1545
Telephone: 415-486-5555
TDD: 800-877-8339
Email: ocr.sanfrancisco@ed.gov

9.2. Board Policy 5020: Parent Rights and Responsibilities
The Governing Board recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

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

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

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

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

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

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

adopted: May 21, 2003

9.3. Board Policy 6020: Parent Involvement
The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that

sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

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

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

Title I Schools

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

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

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

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

Non-Title I Schools

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

adopted: December 13, 2006

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

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

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

Teachers shall evaluate a student's work in relation to standards which apply to all students at their grade level. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

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

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

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

Grade Point Average (GPA)

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

Adopted: September 2009

Revised: January 11, 2012

Administrative Regulation 5121: Grades/Evaluation of Student Achievement

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

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

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

Grade	Description
4	Advanced
3	Proficient
2	Approaching
1	Below

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

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

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

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

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

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

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

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

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

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

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

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

2. A verified court appearance or related court-ordered activity.

Approved: September 2009, Berkeley, California
Revised: January 11, 2012

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

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

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

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

Adopted: April 2001

Administrative Regulation 5123: Promotion/Acceleration/Retention

I. Definition of Terms

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

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

II. Procedural Guidelines

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

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

Elementary
The recommendation of the teacher or the Student Study Team is that the student will not benefit from another year at the same grade level, or the student has been previously retained in the elementary grades.

Middle School
The recommendation of the English and/or mathematics teacher is that the student will not benefit from another year at the same grade level, or
The student has been previously retained in the middle school grades.

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

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

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

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

- Academic success in reading, mathematics, or other academic areas
- Student attitude about retention
- Parent support for retention
- Chronological age
- Maturity
- Physical size
- Social adjustment
- Ability level
- Availability of alternative programs
- Previous/possible interventions

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

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

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

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

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

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

Any student receiving an F in English and/or mathematics is considered failing the course and will be assigned to an Intensive Instructional Support Program, including but not limited to Mandatory Summer School. A student receiving an F in an English or mathematics course may receive credit in the course by scoring a "Proficient" or higher rating on the California Standards Test in English (grades 6, 7, 8) or mathematics (grades 6, 7, 8). If credit is earned through one of these tests, the failing in the course will remain on the transcript. There will be a notation on the transcript of a pass grade for the English/mathematics examination.

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

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

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

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

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

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

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

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

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

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

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

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

III. High School Procedural Guidelines for Credits and Promotion

a. Based on the current graduation requirements of 220 credits, students should earn fifty-five (55) units each year to maintain grade level credits towards graduation.
b. Credit in a course is earned if the student receives a grade of D or better. However, any student receiving a D or F in any mathematics or foreign language course is required to repeat the course and earn a C or higher in order to advance to the next level. Any student receiving a D or F in a college prep science

course at the end of the fall semester may not be allowed to continue in the course.

c. Any student receiving an F in English, mathematics, history and/or science shall be strongly recommended to attend an Intensive Instruction Support Program and/or Mandatory Summer School, or s/he will be deficient credits towards high school graduation.

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

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

V. Appeal Process

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

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

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

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

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

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

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

VIII. Monitoring Results of the Policy

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

Adopted: April 2001; Revised June 2003

9.6. Board Policy 5125.2: Damaged or Lost Instructional Materials
Parents/guardians assume responsibility for their students' lost or damaged instructional materials, including textbooks, sports equipment, science lab equipment and library books.

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

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

Approved May 21, 2005

9.7 Board Policy 3513.3: Tobacco-Free Schools
The Governing Board recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

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

This prohibition applies to all employees, students and visitors at any instructional program, activity, or athletic event.

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

Adopted: May 21, 2003, Revised February 1, 2006, Revised December 11, 2013

9.8. Board Policy 5131.6: Alcohol and Other Drugs
The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances. The Board perceives this effort as an important step towards preventing violence, promoting school safety, and creating a disciplined environment conducive to learning.

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

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

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

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

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

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

Intervention, Referral and Recovering Student Support
The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms, which may indicate alcohol and other drug use, and about appropriate agencies offering intervention programs, counseling, and rehabilitation for students and their family members. The district shall help recovering students to avoid re-involvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

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

Enforcement/Discipline
The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school

events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy, and administrative regulations.

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

Adopted: May 21, 2003

9.9. Administrative Regulation 5131: Electronic Signaling Devices (Cellular Phones)

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

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

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

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

Adopted: June 4, 2003

Acceptable Use Agreement for Electronic Resources & The Internet

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

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

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

Acceptable use and General Rules of Usage

Users must respect and protect the privacy of others by:

- Using only assigned accounts. Users shall only use accounts assigned to them and shall not attempt to log into accounts or systems for which they do not have authorized access.
- Not intentionally seeking information on, obtaining copies of, modifying files, other data, or passwords

belonging to other users, or misrepresenting other users on the network.
- Refraining from distribution of private information about others or themselves. This includes student and staff addresses, phone numbers, email addresses, and other identifying information.

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

- Not engaging in any of these prohibited activities:
    - Using any of the District's systems, network or technology resources for any unlawful purpose.
    - Creating proxies or other methods of circumventing district filters.
    - Using the network or personal electronic devices to intentionally access or process pornographic or adult sites with explicit sexual content or other inappropriate or derogatory material.
    - Inappropriate texting or messaging is prohibited even on personal devices. Online gaming, if not approved by your teacher for a classroom project, is prohibited.
    - Destroying or damaging data, networks, or other resources that do not belong to them, without clear permission of the owner. Malicious use of the District's systems or technology resources to develop or use programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.
    - Downloading or copying software, music, videos or other files unless explicitly for a class project without approval of the teacher. This prohibition includes freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software.
    - Installing software without the permission of both the Technology Department and the teacher.
- Reporting security risks, violations of this AUP, and computer or computer or network malfunctions to a Berkeley Unified staff member.
- Conserving, protecting, and sharing these resources with other users. No use of the District's systems or technology resources shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed or abused in any way. Modifications to system configurations are prohibited. Plugging in wireless access points or other devices into the network is prohibited unless approved and authorized by Technology Services. Use of the network or personal electronic devices to intentionally access or process files dangerous to the integrity of the local area network is prohibited.

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

- Obeying Copyright Laws: Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except when duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law.
- Citing sources when using others' work (not plagiarizing).

Users must respect and practice the principles of community by:

- Reporting threatening, indecent or inappropriate materials to a teacher or administrator.
- Not intentionally accessing, transmitting, copying, or creating material that violates the school's code of conduct (such as messages/content that are pornographic, racist, homophobic, threatening, rude, discriminatory, or meant to harass).
- Not intentionally accessing, transmitting, copying, or creating material that is illegal (such as obscenity, stolen materials, or illegal copies of copyrighted works).
- Not using the resources to further other acts that are criminal or violate the school's code of conduct.
- Avoiding spam, chain letters, or other mass unsolicited mailings.
- Refraining from buying, selling, advertising, or otherwise conducting business, unless approved as a school project.

<u>Users may, if in accord with the policy above:</u>
Design and post content to web pages including posting to online learning websites like the Berkeley Moodle Site. All content submitted will be licensed under a Creative Commons non-commercial license.

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

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

Students should be reminded that the computers they work on will be used by other students each day for years.

Students should assist with the good maintenance of computers at Berkeley Unified by not tampering with mice, keyboards or computers.

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

Definitions
Designated school personnel may include any individual employed by the District who has consented to administer medication or otherwise assist students, and who may legally administer medications.

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

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

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

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

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

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

The Medication Authorization form is available at all schools, at the Special Education Office at 2020 Bonar, on the BUSD website, and on page 69.

The physician's written statement shall clearly:

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

The parent/guardian's written statement shall:

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

container by an individual legally authorized to be in possession of the medication; and
5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time.

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

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

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

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

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

A parent/guardian may designate an individual who is not an employee of the district to administer medication to their child as long as the individual is clearly identified, willing to accept the designation, permitted to be on the school site, and any limitations on the individual's authority are clearly established. The parent/guardian shall provide a written statement designating the individual and containing the information required above.

Designated Employee/District Responsibilities
The site administrator or other designated school personnel shall:

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

(cf. 5125 - Student Records)

Medicinal Cannabis

The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code 11362.7-11362.85 may

administer medicinal cannabis, excluding medicinal cannabis or cannabis products in a smokeable or vapeable form, to the student at a school site. (Education Code 49414.1)

Before administering medicinal cannabis at a school site, the parent/guardian shall provide to the principal or designee a valid written medical recommendation for the student to be given medicinal cannabis, which shall be kept on file at the school. The parent/guardian shall sign in at the school site before administering the medication, and shall not administer the medication in a manner that disrupts the educational environment or exposes other students. After the parent/guardian administers the medication, the parent/guardian shall remove any remaining medicinal cannabis from the school site. (Education Code 49414.1)

Notwithstanding the foregoing, the Board recognizes that, in limited situations, research supports the use of medical cannabis for treatment of certain serious medical conditions in emergency situations, including, but not limited to, for the treatment of certain epileptic seizures.

Accordingly, medical cannabis may be stored at the school site and administered by school personnel to the student, so long as all of the following conditions are satisfied:

- The student presents the District with documentation of a serious medical condition by a licensed physician
- The student presents the District with evidence of a medical recommendation for medicinal cannabis (excluding products in a smokeable or vapeable form) by a licensed physician
- The student's parent/guardian signs a release allowing the licensed physician treating the student for the serious medical condition at issue to exchange information with the District, and that treating physician confirms, in a format to be determined by District staff (either in writing or during a live conversation with District staff), that medical cannabis (of the type identified in the medical recommendation) is necessary to treat that serious medical condition
- The student's Section 504 Plan or Individualized Education Plan ("IEP") documents the need for emergency administration of medical cannabis in order for the student to access their education
- Medical cannabis is administered in accordance with AR 5141.21, including the requirement that school personnel only administer medication on a voluntary basis.
- The student's parent/guardian designates, in writing, staff member(s) responsible for administering medical cannabis as the student's "primary caregivers" during the school day.

The decision to allow administration of medical cannabis must be made by either a 504 Team or IEP team, in consultation with the District's Health Services Department. In addition, the student's parent or guardian must sign a waiver stating they are aware of and voluntarily assume all risks associated with the administration of medical cannabis.

Other Emergency Aid

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction, to be administered by school personnel as described above. (Education Code 49414).

The Superintendent or designee shall make naloxone hydrochloride or another opioid antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose, to be administered by school personnel as described above. (Education Code 49414.3)

Adopted: March 8, 2023

9.11. Summary of the Sexual Harassment Policy

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

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

The complete sexual harassment policy is available at school sites and at the BUSD Administration Building, 2020 Bonar Street, in the Superintendent's Office, Human Resources, Educational Services, and Student Services Offices. You may contact the District's Title IX Coordinator at 486-9338 for all questions concerning the interpretation of the prohibition against sexual harassment, the methods, and procedures to be followed in the investigation of complaints, and the appropriateness of specific resolutions to complaints.

9.12. Sexual Harassment Policy (BP5145.7)

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment. The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact their teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1311 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/ guardians that complaints of sexual harassment can be filed under AR1311 and where to obtain a copy of the procedures.

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. The district shall designate an individual who will serve as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1311 - Uniform Complaint Procedures.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

- What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence;
- A clear message that students do not have to endure sexual harassment under any circumstance;
- Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained;
- A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved;
- Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made; and
- Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable.

Disciplinary Actions

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

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

Record-Keeping

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

9.13. Anti-Bullying Policy

The Governing Board of the Berkeley Unified School District affirms that every student and staff member has the right to a

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

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

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

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

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

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

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

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

Jurisdiction
This policy applies to students and staff on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity. It also includes acts of bullying that take place at any time when the acts have a nexus to school attendance/activities by posing a threat or danger to the safety of students, District property, or

materially and substantially disrupting the school environment.

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

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

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

Reporting
Students who are the targets of bullying, staff, or any community member who has witnessed bullying, should report the abuse to the principal, the principal's designee, or a trusted school staff member. Staff members, upon receiving a complaint or witnessing bullying, are required to make a report to the principal or principal's designee. While submission of a written incident form is not required, the reporting party is encouraged to use this form, available from the principal of each school and the District office. Oral reports of bullying by a student to a District employee shall also considered official reports, and should be written up by a staff member, with a copy provided to the principal of the relevant school site. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Both oral and anonymous reports should be documented and reported by the receiving administrator.

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

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

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

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

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

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

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

Education: To prevent bullying, each school site has the obligation to educate students about what bullying is and why it is unacceptable. When possible, teachers should use existing curriculum and materials to emphasize the negative, hurtful effects of bullying. Each school site should prioritize its

existing anti-bullying curriculum and seek to enhance anti-bullying education. Furthermore, each school site should educate students in an age-appropriate manner about appropriate use of electronic devices and social media. The District has the obligation to provide materials and curriculum to each school site that requests support.

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

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

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

Approved: January 25, 2012, Revised: April 9, 2014

9.14. Gender Identity and Access Policy

Students
The Berkeley Unified School District is committed to providing a safe, supportive, and inclusive learning environment for all students, including transgender students, and ensuring that every student has equal educational opportunities and equal access to the District's educational programs and activities. California and federal law (Cal. Ed. Code 220 and Title IX, 20 U.S.C. 1681) requires schools to treat transgender students equally and fairly. State and federal law and District policy require that all programs, activities, and employment practices be conducted without discrimination based on, among other things, actual or perceived gender identity, gender expression, or gender. California Education Code 201 further provides that public schools have an affirmative obligation to combat bias, and a responsibility to provide equal educational opportunities to all pupils. Additionally, District policy requires that all schools and all personnel promote mutual respect and acceptance among students and staff. Thus, the District has a legal obligation to ensure that transgender students are safe, supported, and fully included in all school activities, programs, facilities, and educational opportunities. No person shall be subjected to discrimination on the basis of actual or perceived gender identity, gender expression, gender, or sexual orientation. (Cal. Ed. Code 220, 20 U.S.C. 1681 (Title IX))

The Board of Trustees considers harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression to be a major offense. The District shall investigate all complaints of harassment, discrimination, intimidation, or bullying and take appropriate action against any student or employee who is found to have violated this policy. Harassment, discrimination, intimidation, or bullying of a student by another student in violation of this policy may constitute cause for disciplinary action. Students shall be advised that harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression are unacceptable conduct and will not be tolerated. Students shall be informed that they should contact the school principal or designee if they experience such harassment, discrimination, intimidation, or bullying. Harassment, discrimination, intimidation, or bullying by an employee in violation of this policy constitutes cause for disciplinary action, up to and including dismissal.

The Superintendent shall adopt, and may periodically revise, administrative regulations necessary to implement and enforce this policy. The regulations shall provide an adequate description of this policy to parents, students and employees, provide appropriate complaint and resolution procedures, and establish due process for persons accused of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression. The Superintendent shall ensure that students receive age-appropriate information and education related to sexual orientation, gender identity, and gender expression. In addition, the Superintendent shall designate qualified individuals to provide appropriate training and educational programs on the issue of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression.

Each school must ensure that all students, including LGBTQ students, are provided a safe and supportive learning environment that is free of harassment, discrimination, intimidation, and bullying. Administrators, faculty and staff are required to intervene when they witness harassment, discrimination, intimidation and bullying of any student if they can do so safely.

Complaints alleging discrimination, harassment or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other discrimination/harassment/bullying complaints. Consistent with the Uniform Complaint Procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity should be given immediate attention; fully and

appropriately investigated in a timely manner; and resolved through appropriate corrective action. This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment.

Complaints under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

Adopted: December 11, 2013

You may contact the district's Title IX Coordinator at 486-9338 for all questions concerning the interpretation of the prohibition against gender identity harassment, the methods and procedures to be followed in the investigation of related complaints, and the appropriateness of the specific resolution to complaints.

9.15. Transgender and Gender Nonconforming Students
The purpose of this policy is:

1. to foster an educational environment from Pre-K through Adult Education that is safe, welcoming, and free from stigma and discrimination for all students, regardless of gender identity or expression,
2. to facilitate compliance with local, state and federal laws concerning bullying, harassment, privacy, and discrimination,
3. to ensure that all students have the opportunity to express themselves and live authentically.

DEFINITIONS

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of District staff. Students might or might not use these terms to describe themselves.

- "Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.
- "Transgender" describes people whose gender identity is different from their sex assigned at birth.
- "Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- "Gender nonconforming" Denoting or relating to a person whose behavior or appearance does not conform to prevailing cultural and social expectations about what is appropriate to the female or male sex they were assigned at birth. This often includes students who use "they/them" as pronouns. "Gender nonconforming" includes students who identify themselves as nonbinary or gender expansive.

Privacy
All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

Official Records
The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

Names/Pronouns
A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change their official records.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

Gender-Segregated Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. This includes class activities and groupings, including lines of students by gender.

In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

Student Information Systems
BUSD has modified its student information system to prevent disclosure of confidential information and ensure that school personnel use a student's name and pronouns consistent with the student's gender identity. Instructions for using that system are attached to this policy.

Restroom Accessibility
Students shall have access to the restroom(s) that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom. The District shall establish a standard for an adequate number of gender-neutral restrooms on each campus.

School Curriculum
A school curriculum that is inclusive of diverse identities may help to instill beliefs in the intrinsic value of all individuals. BUSD educators and central office staff shall make ongoing efforts to identify and create an LGBTQ curriculum to mitigate anti-LGBTQ victimization, as well as racist victimization for LGBTQ students of color.

Locker Room Accessibility
In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school. The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep their transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

Physical Education Classes & Intramural Sports
Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

Interscholastic Competitive Sports Teams
Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

Dress Codes
Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

Other Gender-Based Activities, Rules, Policies and Practices
As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices—including classroom activities, school ceremonies, and school photos—and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity

Student Transitions
The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized as the sex consistent with their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to gender-related programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student's equal access to the District's educational programs and activities.

Discrimination/Harassment
It is the responsibility of each school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See the "Related Resources" and the "Assistance" sections of this policy for further information regarding the filing of discrimination or harassment complaints.)

Transferring a Student to Another School (Opportunity Transfers)

In general, schools should aim to keep transgender and gender nonconforming students at their original school site. Opportunity transfers to another school should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the transferred student, or when requested by the student or the student's parent. The student or the student's parent or guardian must consent to any such transfer.

Training and Professional Development

The District shall conduct ongoing training for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, and health staff. Information regarding this policy shall be incorporated into training for new school employees. To the extent funding is available, the District shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment, and discrimination. The content of such professional development shall include, but not be limited to: (i) terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents; (ii) developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy; (iii) developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying; (iv) classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students; (v) school and District policies regarding bullying, harassment, discrimination, and suicide prevention and responsibilities of staff.

Berkeley students will receive lessons at appropriate stages consistent with this policy that the District will plan and institute.

Complaints about violations of this policy should be handled through the Uniform Complaint Procedures. Cal. Code Regs. tit. 5, §§ 4600-4687.

Adopted: December 9, 2020 Berkeley, CA

9.16. Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of incidents that may be the proper subject of a UCP complaint whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal processes, the Board shall adopt a uniform system of complaint processes specified in 5 CCR 4600-4670, this policy, and the accompanying administrative regulation. This process that be prompt, impartial, and equitable and shall comply with all applicable federal and state laws and regulations.

For purposes of this policy and the accompanying regulation, "Complaint" means a written and signed statement alleging one or more violations of paragraphs #1-6 below. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the district shall assist the complainant in filing the complaint. (5 CCR 4600)

Anyone who files, verbally or in writing, a report that is the proper subject of a UCP complaint shall be notified of his or her right to file a complaint and advised of the process for doing so pursuant to this policy and accompanying regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints: programs, education of homeless or foster students, and special education programs (5 CCR 4610)

- Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition

- Any complaint alleging unlawful discrimination in district programs and activities against any person based on their actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic

identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on their association with a person or group with one or more of these actual or perceived characteristics. Unlawful discrimination includes, but is not limited to, discriminatory bullying, discriminatory intimidation, and sexual harassment. (5 CCR 4610)

- Any complaint alleging District violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
- Any complaint alleging that the District has not complied with legal requirements related to the implementation of the Local Control and Accountability Plan (Education Code 52075
- Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
- Any other complaint as specified in a District policy

Complaints alleging non-discriminatory bullying shall follow the procedures outlined in BP/AR 5131.2 – Anti-Bullying. Complaints alleging a violation of District or site policy, practice, or procedure or against a District employee shall follow the procedures outlined in BP/AR/E 13111 –Complaints Concerning District Policies, Practices, Procedures or Employee.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. Due to the implicit power imbalance between adults and students, ADR may only be offered to resolve complaints that involve both students and adults on a voluntary basis and with the determination by the Compliance Officer that ADR would be appropriate. ADR shall not be offered or used to resolve any complaint involving sexual assault or sexual battery, even on a voluntary basis; or where there is a reasonable risk that a party to the ADR feels compelled to participate. Additionally, the use of ADR to resolve any complaint of sexual harassment requires the approval of the Title IX Coordinator. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations. ADR does not include

restorative justice. Nothing in this provision should be construed as precluding the use of restorative justice or restorative practices in any case.

In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, or bullying, the Superintendent or designee shall maintain the integrity of the complaint process and keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant.

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency (5 CCR 4611):

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services and, for licensing-exempt facilities, to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing, and the compliance officer or designee shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the District's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and mis-assignments. (Education Code 35186)

Revised and Adopted: April 6, 2016

9.17. Integrated Wellness Policy

Part of the educational mission of the Berkeley Unified School District (BUSD) includes improving the health and wellness of the entire

community by teaching students to establish and maintain life-long healthy eating and physical activity habits. The mission shall be accomplished through nutrition education, physical education, garden experiences, the food served in schools, environmental restoration and core academic content in the classroom.

Statement of Principles

The Governing Board recognizes that there is a link between nutrition education, the food served in schools, physical activity and environmental education The Board also recognizes the important connection between a healthy diet, physical activity and a student's ability to learn effectively and achieve high standards in school.

The Board also recognizes that it is BUSD's role, as part of the larger community, to model and actively practice through policy and procedures the promotion of family health, physical activity, good nutrition, sustainable agriculture and environmental restoration.

BUSD further recognizes that the sharing and enjoyment of food and participation in physical activity are fundamental experiences for all people and a primary way to nurture and celebrate our cultural diversity. These fundamental human experiences are vital bridges for building friendships, forming intergenerational bonds, strengthening core values, and promoting the general wellness of our community.

In order to accomplish its mission and to comply with its principles, the Board has adopted a philosophy which promotes student wellness and is exhibited in three basic policies: Wellness and Food, Physical Education, and Environmental Education Policy.

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity on the district's web page, in public view within all school cafeterias or in other central eating areas. Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

The Superintendent or designee shall recommend for Board approval specific quality indicators that will be used to measure the implementation of the policy district wide and at each district school. These measures shall include, but not be limited to the analysis of the nutritional content of meals served, student participation rates in school meal programs; any sales of non-nutritious foods and beverages in fundraisers or other venues outside the district's meal programs; and feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons.

adopted: October 6, 2004 Berkeley, California
revised: January 23, 2008

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9.18. Expulsion Policy
The Governing Board is dedicated to implementing graduated discipline practices and policies that aim to keep all our students in class, receiving instruction and support. Expulsion from school is an extreme and severe disruption of the educational process, and shall be reserved for behavior that requires expulsion under the law or that poses a serious future threat to the safety of students or staff.

Definitions
"Accused student" means the student against whom expulsion proceedings are initiated or contemplated.

"Complainant" means the student who is the alleged victim of another student's actions, regardless of whether a formal complaint has been filed.

Expellable offenses
The Education Code provides for different treatment of different kinds of alleged offenses.

If a principal or the Superintendent determines that a student has committed any of the following acts at school or at a school activity off school grounds, the Education Code requires that he or she immediately suspend the student and recommend expulsion of the student:

1. Possessing, selling, or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
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.

If a principal or the Superintendent determines that a student has committed any of the following acts at school or at a school activity off school grounds, the Education Code requires that the principal or the Superintendent recommend the expulsion of the student unless he or she determines that particular circumstances render inappropriate to do so:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of a knife 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 11053) of Division 10 of the Health and Safety Code, except for either of the following:
    i. The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
    ii. The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
4. Robbery or extortion.
5. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

With respect to the above-listed offenses that fall under section 48915(a) of the Education Code, the Board believes that, except in extraordinary circumstances, alternative means of discipline and correction should be employed and expulsion should not be recommended.

The law allows for expulsions for other offenses. However, except for the offenses listed in the two provisions referenced above (sections 48915(c) and 48915(a)), or in extraordinary circumstances, neither a principal nor the Superintendent shall recommend the expulsion of a student.

In the event that a principal or the Superintendent recommends the expulsion of a student, the Director of Student Services shall commence the expulsion process, which may, depending on the circumstances, result in an expulsion hearing, the termination of the expulsion proceedings, or an alternative resolution, such as restorative justice or a settlement with terms agreed upon by the District and the accused student.

Suspended enforcement of expulsion orders
Under the law, the Board, upon voting to expel a student, may

suspend the enforcement of the expulsion order for a period of up to, but not more than, one calendar year.

The Board shall suspend the enforcement of any expulsion order unless it is uniquely inappropriate to do so in the particular case.

Any suspended enforcement of an expulsion order shall be accompanied by a rehabilitation plan carefully tailored to the unique needs of the accused student, designed to further the student's academic progress, facilitate the student's understanding of the District's behavioral expectations and the harm caused by the student's behavior, repair the harm caused, ensure the safety of other students and staff, and prevent a recurrence of the behavior.

Where the Board has suspended the enforcement of an expulsion order, the Board has the discretion to revoke the suspended enforcement of the expulsion order. The Board shall only exercise its discretion to reinstate an expulsion order when it is necessary to protect the safety of students or staff.

Duration of expulsions
The Education Code provides limits for the duration of an expulsion. The Board shall impose expulsion terms that are shorter than the maximum duration whenever possible and appropriate given the unique circumstances of each case.

Readmission and re-entry
The expulsion order shall remain in effect until the Board orders the readmission of the student. The Board shall set a date, no later than the last day of the expulsion order, when the student shall be reviewed for readmission.

Where the Board has issued an expulsion order, the Board shall indicate in its order that successful compliance with the rehabilitation plan may result in early readmission.

When the expulsion time period is expired, the Board shall readmit the expelled student unless the Board makes a finding that the student poses an imminent danger to campus safety or to other students or employees of the District.

The Superintendent or designee shall develop a re-entry plan to be implemented upon the accused student's re-entry, either back into the District after an expulsion, or back into the student's previous school if the student was transferred as part of an order suspending the enforcement of an expulsion. The re-entry plan shall be carefully tailored to the unique needs of the accused student, designed to further the student's academic progress, facilitate the student's successful re-entry into the school environment, and ensure the safety of the complainant(s) (if any) and/or the school community.

Legal counsel for students facing expulsion

From the beginning of the expulsion process, the Superintendent or designee shall make every effort to provide information about free legal services to students facing expulsion and shall encourage them to avail themselves of such representation if available.

Extension of suspensions pending expulsion

Outside of the expulsion process, the maximum allowable duration of a suspension is five consecutive school days. However, when the expulsion process has commenced, the Superintendent or designee may extend the suspension pending the resolution of the expulsion process if certain, specific conditions are met. The extended suspension of a student pending expulsion proceedings is a significant interruption of the student's education that occurs prior to any finding of violation at an adjudicated hearing, and should only be sought when required by law.

By law, the suspension of a student pending an expulsion hearing may not be extended unless the Superintendent or designee makes an express determination, following a meeting in which the student and the student's parent/guardian are invited to participate, that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. Such a determination must be made on the basis of an individualized, case-specific analysis, in addition to the nature or seriousness of the alleged incident.

In making this determination, the Superintendent or designee shall, when possible, consult with the complainant(s) (if any) and/or the complainant(s)' parent/guardian. The Superintendent or designee shall also explore whether an agreement by the accused student to stay away from the complainant(s) (if any) would alleviate the danger to persons or property or threat of disruption to the instructional process that the accused student's presence at his or her current school might pose. Such a stay-away agreement might result in the accused student having to temporarily change classes, temporarily withdraw from certain activities or sports, and/or temporarily withdraw from attending prom or other social activities. The terms of any such agreement shall be shared with the complainant(s) (if any) to the extent possible, so long as doing so does not impinge on the confidentiality or privacy of the accused student. In addition, the Superintendent or designee shall create a safety plan for the complainant(s) (if any).

If the Superintendent or designee determines that the presence of the accused student at his or her school or in an alternative school placement would cause a danger to

persons or property or a threat of disrupting the instructional process, the Superintendent or designee may then choose to extend the suspension pending the resolution of the expulsion proceedings.

If that determination is made, it must be communicated in a timely manner to the student, in a written document that details the reasons, specific to the individual student, for the determination.

If a suspension is extended beyond five days, the student may appeal this decision to the Superintendent at any time during the extended suspension. If an appeal is requested, the Superintendent shall meet with the accused student and/or his or her parent/guardian in a timely manner. Following this meeting, the Superintendent has the discretion to reconsider the extension of the suspension.

If the suspension is not extended pending the resolution of the expulsion process, the accused student is subject to the District's general discipline policies throughout the duration of the expulsion process. To the extent possible without violating the accused student's rights to confidentiality and privacy, the complainant(s) (if any) shall be informed of the accused student's status and whether or not the accused student is on campus.

Instruction during extended suspension
The District shall ensure that any accused student whose suspension is extended pending an expulsion hearing is provided instruction during the period of extended suspension.

Use of restorative justice or other alternative resolutions in expulsion cases
The Governing Board encourages the use of restorative justice in lieu of an expulsion hearing in cases that are referred for expulsion, including cases that require mandatory referral for expulsion under Education Code section 48915(c). Restorative justice is, in many cases, more likely to repair harm to complainant(s) and likely to be less traumatic to complainant(s) than an adversarial expulsion hearing. It also allows for the student offender to play an active role in the reparation of the harm, learn from the consequences of behavioral choices, and continue to receive an education while avoiding an adversarial expulsion hearing. A complainant shall never be required to participate in a restorative justice process, nor be pressured into doing so.

In light of the Board's preference for alternative methods of resolution in lieu of expulsion hearings, the Superintendent or designee shall pursue, whenever possible and where appropriate, alternative processes on a case-by-case basis, including cases that require a mandatory referral for expulsion under Education Code section 48915(c). Such an alternative resolution could be achieved, for example, through an agreement with the accused student to waive the expulsion hearing timelines, proceed with a restorative justice (or alternative) process, and stipulate, if appropriate, to a suspended enforcement of the expulsion with consideration of early readmission and possible record expungement upon successful completion of that process. If the process is not successful, the District could then proceed with an expulsion hearing or other means of resolving the case that is consistent with the Education Code.

Investigation of expulsion cases
The Superintendent or designee shall pursue a balanced, sensitive, trauma-informed approach to all investigations. District employees conducting investigations and/or the District's legal counsel shall speak with all relevant witnesses, including witnesses identified by the accused student, the complainant(s) (if any), and teachers. At all times the investigation shall be conducted in a manner that protects the confidentiality of all students involved to the extent legally possible.

If any student is questioned for the purpose of investigating a school discipline matter related to an expellable offense, that student's parent/guardian shall be notified that the questioning has occurred and the reason for the questioning. This notification shall occur as soon as possible but in no case later than the close of business on the day the questioning occurred, and all available methods of communication shall be utilized. If direct contact with the parent/guardian is not made on the day that the questioning occurred, all efforts shall be made to make direct contact with the parent/guardian as soon as practicable.

No student shall be questioned for the purpose of investigating a school discipline matter by the District's legal counsel without first notifying the parent/guardian and offering them the opportunity to be present during questioning. If the parent/guardian cannot be present during questioning by the District's legal counsel, the student shall have the opportunity to have an adult of his or her choosing present during questioning.

Any such investigation shall be separate and independent from any law enforcement investigation.

Due process
Accused students facing expulsion have the right to fully and meaningfully confront the evidence against them and present their defense at an expulsion hearing. To that end, the District shall: 1) allow and compensate teachers to testify for students facing expulsions at expulsion hearings, if teachers choose to do so; 2) allow for other witnesses to be called for an expulsion hearing at the accused student's request, under subpoena where necessary and allowed by law; 3) provide

the accused student with all documents and evidence collected in the course of the case investigation (excluding attorney work product), including, but not limited to, any exculpatory evidence, and do so in a timely manner; 4) provide the accused student with a list of any and all witnesses the District intends to have testify at the hearing.

The District shall also allow and compensate teachers to attend the hearing in support of the complainant(s) (if any), to the extent possible and without violating the confidentiality of the complainant(s) or the accused student.

Complainants' Rights in the Expulsion Process
Complainants generally have the right to timely information about expulsion proceedings that pertain to their safety and access to academic and extra-curricular offerings, as well as information that would reasonably influence their decisions regarding further contact with accused students. So long as the provision of this information does not violate the District's obligations to the confidentiality and privacy of the accused student, this information includes an explanation of a) the complainant's rights (including his or her rights to participate or not participate in the process), b) how to access appropriate counseling services and academic accommodations, c) the timeline of any discipline process, d) the resolution of any discipline process, and e) how to access any available resources, of which the Superintendent or designee is aware, for confidential support and guidance throughout the process.

In addition, the Title IX Coordinator shall serve as the District contact for support for complainants in sexual harassment, sexual battery, or sexual assault cases and shall assist complainants in those cases with accessing available services. Complainants alleging violations of Education Code section 48900(n) are also entitled to all rights, relevant to the charge, specified in Education Code sections 48918(b)(5), 48918(c)(3), 48918(h)(2), and 48918.5.

Prior to an expulsion hearing in which a complainant is also a student, the complainant shall be given five school days' notice before being called to testify, and shall be entitled to have up to two adult support persons of his or her choosing present during his or her testimony. Three adult support persons may be allowed at the discretion of the Superintendent or designee, so long as at least one is a parent/guardian. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

In all cases in which a complainant is called to testify in an expulsion hearing involving an alleged violation of Ed Code sec. 48900(n), the District shall provide a nonthreatening environment in order to enable the complainant to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints.

Regardless of whether he or she has filed a formal complaint, a complainant is a witness in any expulsion process, and is not a party to the expulsion process. The accused student and the District are the only formal parties in the expulsion process. For this reason, the role of the complainant(s) (if any) is limited, and a complainant is not privy to the same information as the accused student. However, the Superintendent or designee should consult with the complainant(s) (if any) and/or his or her parent/guardian throughout the expulsion process in an effort to ascertain the complainant's wishes about how to proceed and to provide information, when possible and without impinging on the accused student's confidentiality or privacy. Although a complainant may not dictate the course of the District's actions, the Superintendent or designee shall consider the complainant's wishes when determining how to proceed.

The administrative panel's role in the expulsion process
Any administrative panel appointed to hear an expulsion case shall be impartial and contain three or more certificated persons, none of whom is a member of the Board or employed on the staff of the school in which the accused student is enrolled or at which the event leading to the expulsion recommendation took place. In the event that such an impartial panel cannot be appointed, the Board may hear the expulsion case in the first instance or it may contract with the county hearing officer or the Office of Administrative Hearings.

The administrative panel shall determine if there is substantial evidence that the accused student engaged in each of the alleged offenses. The panel shall not make a determination as to guilt based on hearsay evidence alone. In all cases except those alleging a violation of Education Code section 48915(c), the panel also must, before recommending expulsion, make a finding that either alternative means of correction are not feasible or have repeatedly failed to bring about proper conduct, or that due to the nature of the act, the presence of the accused student causes a continuing danger to the physical safety of the accused student or others.

If the panel determines that there is not substantial evidence or does not recommend expulsion, the expulsion process ends and the case does not proceed to the Board. The accused student shall immediately be readmitted into the instructional program from which the expulsion referral was made, unless there is a request by the accused student or their parent/guardian for another school placement.

If the panel finds substantial evidence exists for an expellable charged offense, the panel may recommend expulsion. The

panel may also recommend that the enforcement of the expulsion order be suspended and, if so, shall provide factual information in its findings, adduced at the hearing, supporting its recommendation to the Board to suspend the enforcement of the expulsion order.

If the panel finds that the accused student committed any of the acts specified in Education Code sec. 48915(c), but does not recommend expulsion, the accused student shall be immediately reinstated and may be referred to his or her prior school or another comprehensive school, or pursuant to the procedures set forth in Education Code section 48432.5, the District's continuation school.

An administrative panel's decision not to recommend expulsion shall be final.

The discretion to recommend a suspended enforcement of the expulsion order is available in every expulsion case.

The administrative panel shall submit a detailed, written factual finding to the Board explaining its reasoning for its decision. A copy of the panel's findings shall be provided to the accused student.

The Board's role in the expulsion process
The accused student and/or the accused student's representative shall have the opportunity to address the Board in closed session prior to the Board's decision.

If the Board finds substantial evidence for an offense listed in Education Code sec. 48915(c), the Board shall expel the accused student but may suspend enforcement of the expulsion order.

If the Board finds substantial evidence that the accused student committed an expellable offense other than an offense listed in Education Code section 48915(c), the Board may vote to expel the accused student, suspend the enforcement of the expulsion order, or decline to expel the accused student.

In all cases in which the Board decides to expel a student except those alleging a violation of Education Code section 48915(c), the Board must make a finding that either alternative means of correction are not feasible or have repeatedly failed to bring about proper conduct, or that 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.

The Board's decision to expel a student shall be based only upon a review of the findings of the administrative panel, or upon the results of any supplementary hearing the Board may order. Although the Board may consider comments made by an accused student or their representative during closed session in deciding not to expel an accused student, no student may be expelled on the basis of comments made by that student or their representative in closed session.

Where the Board finds substantial evidence, but declines to expel the accused student, it may direct the Superintendent or designee to create a plan that includes opportunities for the accused student to repair any harm caused and take responsibility for his or her actions.

Students with Individual Education Plans (IEPs) and Section 504 plans
Nothing in this Policy shall be construed to limit in any way the rights of students with Individual Education Plans (IEPs) and Section 504 Plans that are provided in the Education Code and in federal law.

Where an accused student or complainant has an IEP or Section 504 Plan, the District shall ensure that he or she is provided sufficient support during the disciplinary process; that he or she has equal access to restorative justice and/or alternative resolution options; and that any rehabilitation, readmission, safety, and/or re-entry plans are carefully tailored to account for his or her disabilities and unique needs.

Regular reporting
On a quarterly basis, the Superintendent or designee shall report to the Board the number of students who are currently being referred for expulsion, the number of students who are serving or have served since the most recent report a suspension longer than five days, and the number of students currently serving expulsions, including suspended expulsions. This report shall include relevant demographic information for each of these students, to the extent that the demographic data does not disclose confidential student information.

Training on and distribution of policy

The Superintendent or designee shall ensure that this policy is distributed to all site administrators and that training about how to implement this policy is provided to site administrators and all other school staff who are likely to be involved in investigating, or processing, serious school discipline cases.

The Superintendent or designee shall also ensure that this policy is distributed to all of its school sites and referenced in the Parent Student Handbook, with illustrative examples of student conduct and the possible consequences.

The Superintendent or designee shall ensure that all school safety plans are updated to include provisions and forms consistent with this policy.

Existing Board Policy and Administrative Regulations

Until such time as Board Policy 5144.1 (Suspension and Expulsion/Due Process) and Administrative Regulation 5144.1 (Suspension and Expulsion/Due Process) are revised, their provisions shall remain in effect to the extent they are not inconsistent with this Policy

Adopted: June 29, 2016 Berkeley, California

9.19. Firearms on School Grounds
The Superintendent or designee shall not grant permission to any individual to carry a firearm or ammunition on school grounds, except any persons specified in Penal Code 626.9(l)-(o) and 30310, such as law enforcement officers, are authorized to possess a firearm and/or ammunition on school grounds. School grounds include, but are not limited to, school buildings, fields, storage areas, and parking lots.

This policy shall be included in the district's comprehensive safety plan and shall be communicated to district staff, parents/guardians, and the community.

Adopted: October 5, 2016

9.20. Recess Restriction Policy
The Board recognizes the value of recess and play. It improves students' ability to focus and it helps students cognitively process information they are learning. Recess also plays an important part in the social and emotional development of children, enabling them to engage in peer interactions and develop their social skills. Recess time is also a unique and important opportunity for teachers to work closely with students in a way that is difficult to obtain in other parts of the school day. Certificated staff may restrict a student's recess time under the following conditions when he/she believes that this action is the most effective way to bring about improved behavior:

1. Teachers and administrators should seek alternatives to recess restriction and employ adopted social and emotional learning options in a manner consistent with our positive behavioral support systems, and ensure that the expected behaviors are discussed and clarified for students before and after the recess restriction consequence is issued.
2. Recess restriction shall be employed only after a student receives a fair and clear verbal warning from the teacher or principal.
3. Recess restriction shall not be used as a penalty for incomplete homework.
4. The student should remain under employee supervision during the time of the consequence.
5. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
6. Teachers shall inform a site administrator in writing of any student who has their recess restricted. When a student has their recess restricted either two times per week or three times a month, parents or caregivers will he notified whom and the site RTI team or the administrator will review that information and seek alternative means to address the needs of the student.
7. A student will not be restricted for more than half of any given recess period wherein the consequence is assigned, and a maximum of 20 minutes of restriction per day should be adhered to in all uses.
8. Recess restriction for students with exceptional needs must be implemented consistent with the educational goals and accommodations in their IEP, 504 plan, or individualized Positive Behavior Intervention Plan. Recess restriction should not be imposed for behavior, actions, or incomplete work that are a result of a child's disability.
9. Data will be reviewed annually following the passage of the policy and data will be disaggregated by relevant demographic data.

All schools must have clear guidelines within their school-wide Positive Behavior Intervention and Support (PBIS) plan. These guidelines should include when and how the administrator will convene a team to create a positive recess behavior plan which analyzes behavioral function, additional environmental supports needed and/or alternative consequences.

Adopted: November 19, 2014
Revised: May 4, 2016

9.21. Protection of Undocumented Students

All students have the right to attend public school and enjoy access to equitable educational and programmatic services regardless of the immigration status of the student or of the student's family members.

For the purposes of this policy, "District personnel" includes all District employees, counsel for the District, and any agencies contracting with the District.

District personnel shall not take any steps that would deny students access to education based on their immigration status or any steps that would impede the rights of any students to public education under the U.S. Supreme Court's 1982 ruling in Plyler v. Doe, the Family Educational Rights and Privacy Act (FERPA), the California Education Code, and any other applicable state and federal law.

Absent any applicable federal, state, local law or regulation or local ordinance or court decision, District personnel shall abide by the following conduct:

District personnel shall not treat students disparately for BUSD residency determination purposes on the basis of their immigration status.

All District students who meet the relevant programmatic criteria are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, regardless of the immigration status of the student or of the student's family members. This entitlement exists whether or not the student or the student's family members have social security numbers.

District personnel shall not inquire about, or record in any way, a student's immigration status, nor shall District personnel require documentation of any student's legal status, such as asking for a "green card" or citizenship papers, at initial registration or at any other time, for any purpose.

District personnel shall not require students to apply for Social Security numbers nor shall the District require students to supply a Social Security number for any purpose.

If any member of the BUSD community (including students, families, or staff) has questions about their immigration status, District personnel shall not refer them to the Immigration and Customs Enforcement Office (ICE) or any other government agency. Instead, District personnel shall refer them to local non-profit immigration law organizations. A list of such organizations shall be compiled by the Superintendent or designee and widely disseminated at school sites and on the District's website. The Superintendent is also encouraged to increase and enhance partnerships with community-based organizations, legal services organizations, and other educational institutions (such as community colleges and universities) to provide resources for families of students or District employees who are facing deportation or other adverse immigration consequences.

It is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. Because the Governing Board believes that ICE activities in and around schools, early education centers, and adult school facilities would constitute a severe disruption to the learning environment and educational setting for students, any request by ICE to any District personnel to visit a school site shall be immediately forwarded to the Superintendent for review and consultation with legal counsel, to ensure the safety of all students, as well as compliance with Plyler v. Doe and other applicable state and federal laws.

All requests for documents by ICE to the District or any District personnel

shall be immediately forwarded to the Superintendent for review and

consultation with legal counsel and the Governing Board (in closed session if necessary), to ensure the safety of all students, as well as compliance with Plyler v. Doe and other applicable state and federal laws.

The Superintendent or designee shall ensure that copies of this Policy are distributed to all District and school sites. The Superintendent or designee shall ensure all teachers, school administrators, and other staff are trained on how to implement this policy and shall ensure that notification with required translation be distributed to families to fully inform them of their rights in the District.

The Superintendent shall forward a copy of this policy to the office of the U.S. Representative for California's 13th congressional district, as well as the office of each of California's representatives in the United States Senate.

Adopted: December 7, 2016

9.22. Religious Registry

Definitions
"List, registry, or database" includes public, private, or joint public-private collections of information.

"Personal information" means any information that can, either on its own or in combination with other information, be used to identify, contact, track, otherwise locate, or reasonably infer the identity of a specific individual.

"Religion" means an individual's religious affiliation, kinship, belief, or practice.

Protection of Students and Employees

The District shall not record a student's religion in the student's cumulative file for any reason.

The District shall not record an employee's religion in the employee's personnel file for any reason.

If the religion of a student or employee is relevant to a document that would otherwise be included in a student's cumulative file or an employee's personnel file, the notation

of religion shall be redacted before document is included in the file.

No District employee shall use District funds, facilities, property, equipment, or personnel to implement, provide investigation for, enforce, or assist in the creation, implementation, or enforcement of, or provide support in any manner for, any government program creating or compiling a list, registry, or database of individuals on the basis of religion, national origin, or ethnicity.

No District employee shall provide or disclose to government authorities personal information regarding any individual that is requested for the purpose of creating or compiling a list, registry, or database of individuals based on religion, national origin, or ethnicity. Any request for such information shall be forwarded immediately to the Superintendent for review and consultation with legal counsel and the Governing Board.

The Superintendent or designee shall ensure that copies of this Policy are translated into Spanish and Arabic, posted on the District's website, and distributed to all District and school sites, as well as to District families to fully inform them of their rights in the District.

The Superintendent shall forward a copy of this policy to the office of the U.S. Representative for California's 13th congressional district, as well as the office of each of California's representatives in the United States Senate.

Adopted: Apri l 26, 2017

9.23. Suicide Prevention Policy
The Governing Board of Berkeley Unified School District recognizes that suicide is a leading cause of death among youth and that an even greater amount of youth consider (17 percent of high school students) and attempt suicide (over 8 percent of high school students) (Centers for Disease Control and Prevention, 2015).

The possibility of suicide and suicidal ideation requires vigilant attention from our school staff. As a result, we are ethically and legally responsible for providing an appropriate and timely response in preventing suicidal ideation, attempts, and deaths. We also must work to create a safe and nurturing campuses that minimizes suicidal ideation in students.

Overall Strategic Plan for Suicide Prevention
The Superintendent or Designee shall involve school-employed mental health professionals (e.g., school counselors, psychologists, social workers, nurses), administrators, other school staff members, parents/guardians/caregivers, students, local health agencies and professionals, law enforcement, and community organizations in planning, implementing, and evaluating the District's strategies for suicide prevention and intervention. The District shall work in conjunction with local government agencies, community-based organizations, and other community supports to identify additional resources.

To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, the District shall appoint an individual (or team) to serve as the suicide prevention point of contact for the District (hereinafter "District point person").

Prevention

Messaging about Suicide Prevention
Messaging about suicide has an effect on suicidal thinking and behaviors. Consequently, the District point person along with the District's partners shall critically review all materials and resources used in awareness efforts to ensure they align with best practices for safe messaging about suicide.

Suicide Prevention Training and Education

Training:
Training shall be offered to relevant staff on the core components of

suicide prevention (identification of suicide risk factors and warning signs, prevention, intervention, referral, and postvention) at the beginning of their employment. Previously employed staff members shall attend a minimum of one-hour general suicide prevention training. Core components of the general suicide prevention training shall include:

- Suicide risk factors, warning signs, and protective factors;
- How to talk with a student about thoughts of suicide;
- How to respond appropriately to the youth who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk assessment;
- Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member;
- Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide;
- Reviewing the data annually to look for any patterns or trends of the prevalence or occurrence of suicide ideation, attempts, or death. Data from the California School Climate, Health, and Learning Survey (Cal-SCHLS) should also be analyzed to identify school climate deficits and drive program

development. See the Cal-SCHLS Web site at http://cal-schls.wested.org/ .

Ongoing staff professional development should include the following components:

- The impact of traumatic stress on emotional and mental health;
- Common misconceptions about suicide;
- School and community suicide prevention resources;
- Appropriate messaging about suicide (correct terminology, safe messaging guidelines);
- The factors associated with suicide (risk factors, warning signs, protective factors);
- How to identify youth who may be at risk of suicide;
- Appropriate ways to interact with a youth who is demonstrating emotional distress or is suicidal. Specifically, how to talk with a student about their thoughts of suicide and (based on district guidelines) how to respond to such thinking; how to talk with a student about thoughts of suicide and appropriately respond and provide support based on district guidelines;
- District-approved procedures for responding to suicide risk (including multi-tiered systems of support and referrals). Such procedures should emphasize that the suicidal student should be constantly supervised until a suicide risk assessment is completed;
- District-approved procedures for responding to the aftermath of suicidal behavior (suicidal behavior postvention);
- Responding after a suicide occurs (suicide postvention);
- Resources regarding youth suicide prevention;
- Emphasis on stigma reduction and the fact that early
- prevention and intervention can drastically reduce the risk of suicide;
- Emphasis that any student who is identified to be at risk of suicide is to be immediately referred (same day) for assessment while being constantly monitored by a staff member.

The professional development also shall include additional information regarding groups of students judged by the school, and available research, to be at elevated risk for suicide. These groups include, but are not limited to, the following:

- Youth affected by suicide;
- Youth with a history of suicide ideation or attempts;
- Youth with disabilities, mental illness, or substance abuse disorders;
- Lesbian, gay, bisexual, transgender, non-binary or questioning youth;
- Youth experiencing homelessness or in out-of-home settings, such as foster care;
- Youth who have suffered traumatic experiences;

Employee Qualifications and Scope of Services

Employees of the District and their partners must act only within the authorization and scope of their credential or license. While it is expected that school professionals are able to identify suicide risk factors and warning signs, and to prevent the immediate risk of a suicidal behavior, treatment of suicidal ideation is typically beyond the scope of services offered in the school setting. In addition, treatment of the mental health challenges often associated with suicidal thinking typically requires mental health resources beyond what schools are able to provide.

Parents, Guardians, and Caregivers Participation and Education

To the extent possible, parents/guardians/caregivers should be included in all suicide prevention efforts. At a minimum, schools shall share with parents/guardians/caregivers the District's suicide prevention policy and procedures.

This suicide prevention policy shall be prominently displayed on the District's Web page and included in the parent handbook.

Student Participation and Education

Students shall:

Receive developmentally appropriate, student-centered education about the warning signs of mental health challenges and emotional distress; Receive developmentally appropriate guidance regarding the district's suicide prevention, intervention, and referral procedures.

The content of the education shall include:

- Coping strategies for dealing with stress and trauma;
- How to recognize behaviors (warning signs) and life issues (risk factors) associated with suicide and mental health issues in oneself and others;
- Help-seeking strategies for oneself and others, including how to engage school-based and community resources and refer peers for help;
- Emphasis on reducing the stigma associated with mental illness and the fact that early prevention and intervention can drastically reduce the risk of suicide.

Student-focused suicide prevention education can be incorporated into classroom curricula (e.g., health classes, freshman orientation classes, science, and physical education).

The District will support the creation and implementation of programs and/or activities on campus that raise awareness about mental wellness and suicide prevention (e.g., Mental Health Awareness Weeks, Peer Counseling Programs, Freshman Success Programs, and National Alliance on Mental Illness on Campus High School Clubs).

Intervention, Assessment, Referral
The District's primary designated suicide prevention liaison shall be someone who has received advanced training in suicide intervention. Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary designated suicide prevention liaison. Under normal circumstances, the primary contact persons shall then notify the student's principal, another school administrator, school psychologist or school counselor, as soon as possible and shall refer the student to mental health resources in the school or community. Determination of notification to parents/guardians/caregivers should follow a formal initial assessment to ensure that the student is not endangered by parental notification.

After a referral is made for a student, school staff shall verify with the parent/guardian/caregiver that follow-up treatment has been accessed. Parents/guardians/caregivers will be required to provide documentation of care for the student.

If parents/guardians/caregivers refuse or neglect to access treatment for a student who has been identified to be at-risk for suicide or in emotional distress, the suicide point of contact (or other appropriate school staff member) will meet with the parents/guardians/caregivers to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of the importance of care. If follow-up care for the student is still not provided, school staff should consider contacting Child Protective Services (CPS) to report neglect of the youth (Alameda County Child Protective Services can be contacted at (510) 259-1800).

If the student is in imminent danger (has access to a gun, is on a rooftop, or in other unsafe conditions), a call shall be made to 911.

- Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary suicide prevention liaison.
- Students experiencing suicidal ideation shall not be left unsupervised.
- A referral process should be prominently disseminated to all staff members, so they know how to respond to a crisis and are knowledgeable about the school and community-based resources.
- The Superintendent or Designee shall establish crisis intervention procedures to ensure student safety and appropriate communications if a suicide occurs or an attempt is made by a student or adult on campus or at a school-sponsored activity.

<u>Action Plan for In-School Suicide Attempts</u>
If a suicide attempt is made during the school day on campus, it is important to remember that the health and safety of the student and those around him/her is critical. The following steps should be implemented:

- Remain calm, remember the student is overwhelmed, confused, and emotionally distressed;
- Move all other students out of the immediate area;
- Immediately contact the administrator or suicide prevention liaison;
- Call 911 and give them as much information about any suicide note, medications taken, and access to weapons, if applicable;
- If needed, provide medical first aid until a medical professional is available;
- Parents/guardians/caregivers should be contacted as soon as possible;
- Do not send the student away or leave them alone, even if they need to go to the restroom;
- Listen and prompt the student to talk;
- Review options and resources of people who can help;
- Be comfortable with moments of silence as you and the student will need time to process the situation;
- Provide comfort to the student;
- Promise privacy and help, and be respectful, but do not promise confidentiality;
- Student should only be released to
- parents/guardians/caregivers or to a person who is qualified and trained to provide help.

<u>Action Plan for Out-of-School Suicide Attempts</u>
If a suicide attempt by a student is outside of District property, it is crucial that the District protects the privacy of the student and maintain a confidential record of the actions taken to intervene, support, and protect the student. The following steps should be implemented:

- Contact the parents/guardians/caregivers and offer support to the family;
- Discuss with the family how they would like the school to respond to the attempt while minimizing widespread rumors among teachers, staff, and students;
- Obtain permission from the parents/guardians/caregivers to share information to ensure the facts regarding the crisis is correct;
- Designate a staff member to handle media requests;

- Provide care and determine appropriate support to affected students;
- Offer to the student and parents/guardians/caregivers steps for reintegration to school.

Supporting Students after a Mental Health Crisis
It is crucial that careful steps are taken to help provide the mental health support for the student and to monitor their actions for any signs of suicide. The following steps should be implemented after the crisis has happened:

- Treat every threat with seriousness and approach with a calm manner; make the student a priority;
- Listen actively and non-judgmental to the student. Let the student express his or her feelings;
- Acknowledge the feelings and do not argue with the student;
- Offer hope and let the student know they are safe and that help is provided. Do not promise confidentiality or cause stress;
- Explain calmly and get the student to a trained professional, guidance counselor, or designated staff to further support the student;
- Keep close contact with the parents/guardians/caregivers and mental health professionals working with the student.

Re-Entry to School After a Suicide Attempt
A student who threatened or attempted suicide is at a higher risk for suicide in the months following the crisis. Having a streamlined and well planned re-entry process ensures the safety and wellbeing of students who have previously attempted suicide and reduces the risk of another attempt. An appropriate re-entry process is an important component of suicide prevention. Involving students in planning for their return to school provides them with a sense of control, personal responsibility, and empowerment.

The following steps shall be implemented upon re-entry:

- Obtain a written release of information signed by parents/guardians/caregivers and providers;
- Confer with student and parents/guardians/caregivers about any specific requests on how to handle the situation;
- Inform the student's teachers about possible days of absences;
- Allow accommodations for student to make up work (be understanding that missed assignments may add stress to student);
- Mental health professionals or trusted staff members should maintain ongoing contact to monitor student's actions and mood;
- Work with parents/guardians/caregivers to involve the student in an aftercare plan.

Responding After a Suicide Death (Postvention)
A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on students and staff. Therefore, the District must be prepared ahead of time in the event of such a tragedy. The District's point person shall develop a Suicide Death Response Action Plan (Suicide Postvention Response Plan) that incorporates both immediate and long-term steps and objectives.

Suicide Postvention Response Plan shall:

- Identify a staff member to confirm death and cause (school site administrator);
- Identify a staff member to contact deceased's family (within 24 hours);
- Enact the Suicide Postvention Response Plan, include an initial meeting of the district/school Suicide Postvention Response Team;
- Notify all staff members (ideally in-person or via phone, not via e-mail or mass notification).

Coordinate an all-staff meeting, to include:

- Notification (if not already conducted) to staff about suicide death;
- Emotional support and resources available to staff;
- Notification to students about suicide death and the availability of support services (if this is the protocol that is decided by administration);
- Share information that is relevant and that which you have permission to disclose.

Prepare staff to respond to needs of students regarding the following:

- Review of protocols for referring students for support/assessment;
- Talking points for staff to notify students;
- Resources available to students (on and off campus).

Identify students significantly affected by suicide death and other students at risk of imitative behavior;

Identify students affected by suicide death but not at risk of imitative behavior;

Communicate with the larger school community about the suicide death;

Consider funeral arrangements for family and school community;

Respond to memorial requests in respectful and non-harmful manner; responses should be handed in a thoughtful way and their impact on other students should be considered;

Identify media spokesperson skilled to cover story without the use of explicit, graphic, or dramatic content. Research has proven that sensationalized media coverage can lead to contagious suicidal behaviors.

Utilize and respond to social media outlets:

- Identify what platforms students are using to respond to suicide death
- Identify/train staff and students to monitor social media outlets Include long-term suicide postvention responses:
- Consider important dates (i.e., anniversary of death, deceased birthday, graduation, or other significant event) and how these will be addressed
- Support siblings, close friends, teachers, and/or students of deceased
- Consider long-term memorials and how they may impact students who are emotionally vulnerable and at risk of suicide

Adopted: June 28, 2017
Revised: November 1, 2017

9.24. Search and Seizure Policy - BP 5145.12

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, and only as authorized by law, Board policy, and administrative regulation, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

School officials shall exercise discretion and use good judgment when conducting searches.

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

Searches Based on Individualized Suspicion

School officials may search an individual student, the student's property, or district property under the student's control when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

Searches of individual students shall be conducted solely at the direction of the school administrator and in the presence of at least two district employees, one of which shall be a school administrator or appointed designee in their absence.

Any search of a student, the student's property, or district property under the student's control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, and student vehicles parked on district property.

Employees shall not conduct searches of cellular phones and/or other permitted electronic communication devices, except under the circumstances permitted by state and federal law, including: (1) consent has been given, (2) pursuant to a search warrant, (3) pursuant to an emergency involving danger of death or serious physical injury to any person that requires access to the device, or (4) based on a good faith belief that the device has been lost, stolen, or abandoned and the search is done only to attempt to identify, verify, or contact the owner of the device. (CA Penal Code 1546.1)

Employees shall not conduct strip searches or body cavity searches of any student. Employees shall not remove or arrange any or all of the clothing of a pupil to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the pupil. (Education Code 49050)

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

Searches of Student Lockers and Desks

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks.

Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Use of Metal Detectors

The Board finds that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also finds that metal detector searches offer a reasonable means to keep weapons out of the schools and school sponsored events and mitigate the fears of students and staff.

The Superintendent or designee shall use metal detectors as necessary to keep weapons out of schools and school sponsored events and help provide a safe learning environment. The Superintendent or designee shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Adopted: March 8, 2023

9.25. Hate Motivated Behavior- BP 5145.9

The Governing Board recognizes that hate-motivated behavior is the most dangerous manifestation of intolerance. It has a stronger impact on victims than any other type of misconduct as it affects entire communities. Hate-motivated behavior has a dehumanizing impact and instills fear far beyond the boundaries of a school, district, or city. As such hate-motivated behavior is destructive to both individual freedoms and community safety.

The Governing Board is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic.

Defining Hate-Motivated Behavior

Hate-motivated incidents are acts motivated by biased and prejudice based on real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic that have a negative impact but do not involve a criminal action. These can include but are not limited to racial slurs, verbal name calling, expression of hostility, hate speech, the display of offensive materials on one's property, the distribution of hate materials in public places, and the posting of hate materials that does not result in property damage.

Hate-motived violence (hate crimes) is a criminal act motivated by bias and prejudice based on real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. These acts include threats of or physical injuries to an individual or damages to property (Cal. Ed. Code § 233(e)). Hate-motivated violence comprises two distinct elements: it is an act that constitutes an offense under criminal law; and in committing the act, the perpetrator acts on the basis of prejudice or bias.

Prevention and Interventions

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring efficient use of District and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

The District shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

As necessary, the District shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

Complaint Process

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff members.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal or the compliance officer responsible for coordinating the District's response to complaints and

complying with state and federal civil rights laws. As appropriate, District staff shall also contact law enforcement.

Any student who feels that they are a victim of "hate-motivated" behavior shall immediately contact the principal or any trusted staff member with whom the student has a relationship. Reports can be made in writing or verbally and all complaints should be reported to a site administrator. If the student believes that the situation has not been remedied by the principal or designee, the student may file a complaint with the District's Civil Rights and Compliance Office in accordance with District Uniform Complaint Procedures (Board Policy and Administrative Regulation 1311).

If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Disciplinary Actions
Any student who engages in hate-motivated behavior at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action and in accordance with California Education Code § 48900, et. seq. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Any staff member found to have engaged in hate-motivated behavior toward any other staff member or any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

Any non BUSD student or staff who engages in hate-motivated behavior at District schools or at school-sponsored or school-related activity and are in violation of this policy, shall be referred to law enforcement as appropriate.

Record Keeping

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

Adopted: March 8, 2023

9.26. Married/Pregnant/Parenting Students- BP 5146

The Berkeley Unified School District recognizes that responsibilities related to early marriage, pregnancy, or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The District therefore desires to provide instruction and services designed to assist in pregnancy prevention.

The District also desires to support expectant and parenting students to attain strong academic and parenting skills and to promote the healthy development of their children.

Married, pregnant and parenting students shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. The district may require any pupil to obtain the certification of a physician or nurse practitioner that the pupil is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

The Superintendent or designee shall annually notify parents/ guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved. (Family Code 7002)

Education and Support Services for Expectant and Parenting Students:

The District is committed to providing a comprehensive, continuous, community-linked program for expectant and parenting students and their children that reflects the cultural and linguistic diversity of the community. The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting teens and their children.

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students.

The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)

Any alternative education program, activity, or course that is

offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities

2. Parenting education and life skills instruction

3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28

4. Health care services, including prenatal care

5. Tobacco, alcohol, and/or drug prevention and intervention services

6. Academic and personal counseling

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

Absences

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/ AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence.(Education Code 48205)

Parental Leave

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/ guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and re-enrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

Accommodations

When necessary, the district shall provide accommodations to enable a pregnant or parenting student to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding.

A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk, or breastfeed an infant.

2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk

3. Access to a power source for a breast pump or any other equipment used to express breast milk

4. Access to a place to store expressed breast milk safely

5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4670 and BP/AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600- 4670)

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

Adopted: May 22, 2024

9.27. Lactation Accommodation - BP 4033

The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any person approved to be on BUSD property to express milk for an infant child.

The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

Break Time and Location Requirements

The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1031; 29 USC 207)

- Is shielded from view and free from intrusion while the employee is expressing milk

- Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382

- Contains a place to sit and a surface to place a breast pump and personal items

- Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump

- Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Dispute Resolution

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

Adopted: December 6, 2023

9.28. Education for Homeless Students - BP 6173

The Governing Board recognizes its obligation to ensure that students experiencing homelessness have access to the same free and appropriate public education provided to other children within the district. The district shall provide students experiencing homelessness with access to education and other services necessary for these students to meet the same challenging performance standards as other students.

When there are at least 15 students experiencing homelessness in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of students experiencing homelessness. (Education Code 52052, 52060, 52064)

The Superintendent or designee shall ensure that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

The Superintendent or designee shall review district policies at least once every three years and recommend updates to ensure removal of any barriers to the education of homeless students and unaccompanied youth. Any such review shall address identification, enrollment, and retention of such students, including those barriers that are due to absences or outstanding fees or fines. (Education Code 48851.3, 42 USC 11432)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for children and youths experiencing homelessness.

The district liaison for homeless students shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting students experiencing homelessness to succeed in school, and as specified in Education Code 48851.3 related to trainings for district staff providing assistance to students experiencing homelessness.

The Superintendent or designee shall ensure that each district school identifies all students experiencing homelessness and unaccompanied youths enrolled at the school. (Education Code 48851)

To ensure easy identification of students experiencing homelessness, the Superintendent or designee shall annually provide and administer a housing questionnaire developed by the California Department of Education (CDE) to all parents/guardians of students and all unaccompanied youths. (Education Code 48851)

If the primary language of a student's parent/guardian or an unaccompanied youth is not English, either the housing questionnaire shall be made available in the primary language of the student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985, or an appropriate translation of the housing questionnaire shall be provided upon request of a student's parent/guardian or an unaccompanied youth. (Education Code 48851)

The Superintendent or designee shall report to CDE the number of students experiencing homelessness, including unaccompanied youths, enrolled in the district as identified from the housing questionnaire described above. (Education Code 48851)

In addition, the Superintendent or designee shall ensure that the district liaison's contact information and other information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness, are posted on the district and school web sites as specified in the accompanying administrative regulation. (Education Code 48852.6)

The Superintendent or designee shall ensure that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

Each student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (Education Code 48850; 42 USC 11432)

Students shall not be segregated into a separate school or program based on their status as homeless, nor shall nor shall students

experiencing homelessness be stigmatized in any way. However, the Superintendent or designee may separate students experiencing homelessness on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet their unique needs. (42 USC 11432, 11433)

The Superintendent or designee shall ensure that information and/or materials for students experiencing homelessness are provided in a manner and form understandable to the student's parents/guardians and to unaccompanied youths.

Information about the living situation of a student experiencing homelessness shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act, shall not be deemed to be directory information as defined in 20 USC 1232g, and shall not be released without written consent. (42 USC 11432)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that students experiencing homelessness are promptly identified, ensure that students experiencing homelessness have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to students experiencing homelessness, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for students experiencing homelessness and services for students with disabilities. (42 USC 11432)

At least annually, the district liaison and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of students experiencing homelessness. Such professional development and technical assistance shall include, but are not limited to, training on the district's homeless education program policies, definitions of terms related to homelessness, recognition of signs that students are experiencing or are at risk of experiencing homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect students experiencing homelessness with appropriate housing and service providers. (Education Code 48851.3, 48852.5; 42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on the identification of and outcomes for students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to more effectively identify and support the education of students experiencing homelessness.

Annually, the Superintendent or designee shall report to CDE, in accordance with Education Code 51225.1, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

Adopted: May 22, 2024

9.29. Academic Honesty - BP 5131.9

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize, or commit other acts of academic dishonesty.

Students, parents/guardians, staff, and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators, and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

Prohibited and Permitted Technology Use

As the district's standards for academic achievement are designed to challenge all students to reach their full potential in acquiring the knowledge and skills needed for success in postsecondary education, employment, and responsible citizenship, any use of technology that prevents or inhibits a student from achieving these standards is prohibited. Prohibited uses include, but are not limited to, using technology primarily or solely for the completion of coursework as a student's original work and generating answers to mathematical, scientific, or analytical problems.

Permitted uses of technology for classwork is determined by the teacher. These include, but are not limited to, conducting research, and learning from educational applications such as tutoring systems and language learning applications.

Additionally, consistent with the limitations expressed in this policy and with teacher consent, students may also use technology to assist with assessments, homework, and/or makeup work or other uses approved by the teacher.

The exceptions to permitted uses of technology, include permitted use of technology for purpose identified in the student's individualized education program (IEP) as a tool to support the student's learning. The IEP team will communicate the specific uses of technology with the teachers, including what technology will be used and how it will be used in order to enable the teacher to assess student knowledge and understanding. Permitted use of technology included in IEP can be reevaluated annually.

If an employee suspects that a student has used technology in violation of this policy, the student shall be given the opportunity to demonstrate that the use of technology was in accordance with this policy.

Any information acquired from an employee's use of technology in determining whether a student has committed an act of academic dishonesty shall be shared with the student, and the student's parent/guardian as appropriate.

The Superintendent or designee may provide training to staff regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

Adopted: May 29, 2024

9.30. Questioning and Apprehension by Law Enforcement - BP 5145.11

The Governing Board believes that the safety of district students and staff is essential to achieving the goal of student learning. Keeping students safe is crucial to their development and success in school and a top priority for the Governing Board. When students feel safe at school, they have a greater chance of thriving both academically and socially. Ensuring that any law enforcement activities are carried out in a fair and impartial manner helps students feel safe at school. It is the goal of this policy to ensure that the presence of law enforcement in schools is as beneficial as possible and to avoid harmful impacts on students and the learning environment.

While the Governing Board wishes to recognize and continue its successful collaboration with local law enforcement agencies to ensure safety in our schools, enhance the education of staff and its students, and to strengthen the relationship of trust between schools, law enforcement and students' families, both the Governing Board would like to recognize the serious potential consequences for youth as a result of traumatic law enforcement involvement and wishes to avoid unnecessary criminalization of our students without sacrificing the safety of all parties involved.

In accordance with standards specified in law, law enforcement officers may only interview and question students that are implicated in a crime on school premises and may only remove students from school premises when appropriate and when no alternative means or locations are available. This decision should be reasonable and take multiple factors into consideration in order to protect all students involved, school community and the public. The Governing Board encourages all law enforcement officers interacting with BUSD students to apply standards governed by the school resource officer guidelines.

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

Child Abuse Investigation

In order to interview a student about an allegation of child abuse, the child protective services worker and/or other law enforcement officer must inform the school principal or designees that they have legal grounds or exigent circumstances to interview the student.

Recognizing that the school sites are at times a more comfortable, familiar space in comparison to the police station, if a student directly requests to make police report as a vicitim of child abuse through school administrators, counselors or teachers, school administrators will facilitate the provision of a police report by ensuring a comfortable, private and supportive environment for the student.

Questioning of Student by Law Enforcement

Recognizing that contact with law enforcement can have serious emotional impact on youth and respective communities, the Governing Board aims to prescribe ways in which this contact in the most trauma-informed, impartial and least restrictive manner for BUSD students.

As the main purpose of a school site is to provide a safe, learning and educational environment for our community's youth, when investigating a possible criminal violation occurring off school premises or not part of a school program, law enforcement agencies are strongly encouraged to interview students implicated in a crime away from school premises.

In instances where alternative location for questioning is unavailable, the law enforcement officers are strongly encouraged to communicate and coordinate the school site visit with the school principal or designee. The law enforcement officer shall be required to provide their identification and inform the principal or designee of the legal authority under which the interview is to be conducted.

In instances where alternative location for questioning is unavailable, the principal or designee shall accommodate the

interview of students as suspects or witnesses on school premises under the following circumstances:

- Exigent circumstances as determined by law enforcement;
- If the law enforcement officer has legal authority to conduct the interview.

In instances where alternative location for questioning is unavailable, the principal or designee shall accommodate the interview of students as suspects or witnesses on school premises in the following manner:

- Interview and summoning of the student will be conducted with the least possible disruption to the school process;
- Interview will be conducted providing the student utmost appropriate privacy;
- Interview will be conducted away from other students;
- It will model cooperation with local law enforcement agencies and respect the interests of students, parents and the school community.

The school principal or designee shall ensure all necessary conditions are met to respect the privacy of the student and eliminate any disruption to the school process.

The principal or designee shall maintain a record of any available documentation relative to law enforcement interviews of students.

Except in situations where the student is a suspected victim of child abuse, the school must immediately call minor student's parents. Efforts to contact parents must include calling all numbers or emails listed on an emergency card, including work numbers, and any number supplied by the student. In instances where the student is a suspected victim of child abuse in the home, school staff will refrain from contacting the student's parents/guardians unless specifically instructed to do so by law enforcement in order to not jeopardize the safety of the student and the child abuse investigation.

Parents must be given a reasonable opportunity to come to the school and be present for any police interview. If a parent cannot be found, the school site should offer the student the option of having an adult of their choice from the school available during an interview. However, this decision is ultimately up to the student, without coercion from the school site.

In cases where the principal or designee is unable to contact the minor student's parent/guardian before the interview begins, the principal or designee shall notify the parent/ guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

Law enforcement officers shall comply with Welfare & Institutions Code Section 625.6, ensuring that prior to a custodial interrogation, and before the waiver of any Miranda rights, a student 17 years of age or younger shall be provided with a consultation with legal counsel in person, by telephone, or by video conference. This consultation may not be waived by the minor student.

Apprehension of Students by Law Enforcement

Recognizing that school are place of learning, growth, empowerment and safety for our students as well as the stigma associated with arrest, the Governing Board expects that the law enforcement agencies will consider the reasonableness of making the arrest at school by reviewing various factors, such as:

- Whether it is a school-related offense;
- The seriousness of the offense;
- Whether there is an imminent threat to public safety;
- Legal requirements; and
- Whether the arrest can be accomplished by other means.

If an apprehension of a student by law enforcement is unavoidable at school site, law enforcement should coordinate with the principal or designee to:

- Find a private location out of sight and sound of other students, to the extent practicable and absent exigent circumstances, to carry out the arrest.
- The student should be removed from public view prior to being placed in custody, if possible, to avoid the stigma associated with arrest or view of the arrest by other students.
- Law enforcement should consider the necessity of placing students in handcuffs prior to taking them away from the school site.
- If transport is necessary, the student should be placed in a police vehicle outside the view of their peers.

School sites, in cooperation with law enforcement agencies, are responsible for creating all the necessary conditions to respect the privacy of the apprehended students and eliminate any disruption to the school process.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which they are reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

Immigration and Customs Enforcement

This policy does not apply to the interviewing of students by the U.S. Immigration and Customs Enforcement (ICE). Requests by ICE are governed by Board Policy 5111.5: Protection Of Undocumented Students.

Subpoenas

School sites are educational institutions whose primary function is to create safe learning environments for our students. Serving legal documents on students can disrupt that learning environment and cause long-term effects on student's education experience. Although subpoenas may legally be served at school on students age 12 or older, the Governing Board believes that serving officials should be strongly urged to serve subpoenas away from BUSD campuses whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Adopted: August 23, 2023

9.31. Student Success Teams - BP 6164.5

The Governing Board encourages the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance, emotional, behavioral, or social difficulties and in identifying strategies and programs that may assist such students in maximizing their potential. The Superintendent or designee shall establish student success teams (SST) at all sites to address individual students' needs.

The Superintendent or designee shall establish a process for initiating referrals of students to the student success teams, which may include referral by district staff, parents/ guardians, and/or agency representatives. The Superintendent or designee may also establish and maintain a process for responding to SST referrals, which may include a determination by the district as to whether an SST shall be convened for an individual student.

Each SST may collect and analyze relevant student data, as appropriate. The SST may also review the student's educational history, work samples, strengths and areas for growth, and identify available resources and strategies.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, social, emotional and/or behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

The student success team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

The SST process shall not delay or deny a referral for evaluation for eligibility for special education, as may be required under state or federal law.

The Superintendent or designee may integrate SSTs into the district's multi-tiered system of support, including identification of students who need additional support, the level(s) of support, appropriate interventions, monitoring of progress, and whether the goal of intervention has been met.

To strengthen the effectiveness of SSTs, the Superintendent or designee may provide staff development in the identification of students who may need additional support, implementation of measurable and targeted interventions, and monitoring of progress and goal attainment.

Adopted: September 13, 2023

9.32. Admissions - BP 5111

The City of Berkeley is a community rich in its diversity. Diversity can be measured by the various racial, ethnic, economic, educational, and linguistic backgrounds of the population that inhabits the city. The Governing Board values our community and the rich diversity that students bring to our schools.

The Governing Board believes that every child residing in Berkeley has the right to attend a Berkeley public school regardless of socio-economic status, gender, race, ethnicity, national origin, language, disability and sexual orientation. The Berkeley Unified School District offers a free public education to all the children of Berkeley and is committed to ensuring each and every school provides a quality education with equal and equitable opportunities for all students to be taught a strong core curriculum, participate in enriched learning experiences and receive resources that promote success for all students.

In order to ensure that Berkeley students have the best public school education opportunities available, the Superintendent or designee shall make every reasonable effort to ensure that Berkeley residents are able to attend Berkeley Unified District Schools.

Verification of Admission Eligibility

The Board directs the Superintendent or designee to require families to provide proof of Berkeley residency before students are enrolled in Berkeley schools. Families shall submit proof of Berkeley residency when they first enroll into Berkeley Unified School District, when transitioning from elementary school to middle school.

The Superintendent or designee shall inform parents/guardians about admissions requirements and shall assist them with enrollment procedures. The Superintendent or designee shall maintain fair and equitable procedures which provide for the verification of the student's age, residency, and any other admissions requirements specified in law and in Board policies and administrative regulations.

Before enrolling any child in a District school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

The Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the student's last school, lack of clothing normally required by the school, such as school uniforms, or their inability to produce previous academic, medical, or other records normally required for enrollment. (Education Code 48645.5, 48850, 48852.7, 48853.5, 49701; 42 USC 11432)

Proof of residency for homeless students living in the district can be obtained through presentation of a hotel or motel receipt, a letter from a social service agency or homeless shelter verifying that the student lives within the district or an affidavit from the parent/guardian stating that the family lives within the district.

The District shall not inquire into or request documentation of a student's social security number, or the last four digits of the social security number or request documentation of a student's citizenship or immigration status.

However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the Superintendent or designee shall explain the limited purpose for which the information is collected.

School registration information shall list all possible means of documenting a child's age for grades TK-1 as authorized by Education Code 48002 or otherwise prescribed by the Board. Any alternative documents allowed by the District shall be one that all persons can obtain regardless of immigration status, citizenship status, or national origin and shall not reveal information related to citizenship or immigration status.

All students enrolling either in a school in their attendance area or outside their attendance zone shall be subject to the timelines established by the Superintendent or designee. Nonresident students may apply for inter-district attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

Adopted: September 13, 2023

9.33. Visitors/Outsiders - BP 1250

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the principal or designee. When a visit involves a conference with a teacher, an appointment should be set during non-instructional time.

To ensure the safety of students and staff and avoid potential disruptions, all visitors who are not a student or staff member, including parents/guardians, shall register immediately upon entering any school building or grounds when school is in session.

For purposes of school safety and security, the principal or designee may design a visible means of identification for visitors while on school premises and all visitors shall be escorted by school staff while on campus.

Children who are not enrolled at the school are not to be on the campus during instructional hours unless prior approval of the principal/designee has been obtained.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile,

aggressive, or offensive behavior, immediately leave school grounds.

Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. The principal shall consult with local law enforcement authorities to define any parameters around the visit before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime they give such written permission.

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

Adopted: December 6, 2023

9.34. Civility - BP 1313

The Governing Board recognizes the impact that civility has on the effective operation of the district, including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The Board believes that each person should be treated with dignity and respect in their interactions within the school community.

The Board understands that the First Amendment provides strong protection for speech. However, the Board expects that all speech and expression will comport with norms of civil behavior on district grounds, in district facilities, during district activities or events, during public district meetings, and in the use of district electronic/digital systems and platforms.

Civil behavior is polite, courteous, and reasonable behavior which is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication.

The Board and district staff shall model civil behavior as an example of behavior that is expected throughout the district. Practices that promote civil behavior include actively listening, giving full attention to the speaker, and refraining from interruptions; welcoming and encouraging participation, input, and feedback through stakeholder engagement; promptly responding to concerns; and embracing varying and diverse viewpoints. Such practices may be incorporated into governance standards adopted by the Board or Superintendent and/or professional standards or codes of conduct for employees as specified in district policies and regulations.

Students, staff, parents/guardians, and community members should be educated in the recognition, development, and demonstration of civil behavior. The Superintendent or designee may incorporate related concepts in the curriculum, provide staff development activities, and/or communicate this policy to the school community.

Students, staff, parents/guardians, and community members shall not communicate or behave in a manner that causes disruption; hinders the orderly conduct of district operations, the educational program, or any other district program or activity; or creates an unsafe learning or working environment. The Superintendent or designee may respond to disruptive, violent, or threatening behavior in accordance with law and as specified in Board Policy and Administrative Regulation 1250: Visitors/Outsiders.

Behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate motivated behavior violence, or behavior that is in any other way unlawful, is prohibited and is subject to discipline in accordance with law and as specified in district policy and regulations.

Adopted: December 6, 2023

9.35. Disruptions - BP 3515.2

The Governing Board is committed to providing a safe and orderly environment for students, staff, and others on district property or while engaged in school activities.

The Superintendent or designee shall remove any individual who, by their presence or action, disrupts or threatens to disrupt normal operations at a school campus or any other district facility, threatens the health or safety of anyone on district property, or causes or threatens to cause damage to district property or to any property on school grounds.

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing or threatening to cause a disruption. The plan shall address, as appropriate, visitor registration procedures; campus security measures; evacuation procedures; lock-down procedures; possible responses to an active shooter situation; communications within the school and with parents/guardians, law enforcement, and the media in the event of an emergency; and crisis counseling or other assistance for students and staff after a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention when necessary.

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee

Any items contained in a locker or desk shall be considered to

shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7961 and in other situations, as appropriate.

Adopted: December 6, 2023

9.36. Uniform Complaint Procedures - BP 1312.3

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

Complaints Subject to UCP

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

- Accommodations for pregnant and parenting students (Education Code 46015)
- Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
- After School Education and Safety programs (Education Code 8482-8484.65)
- Agricultural career technical education (Education Code 52460-52462)
- Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
- Child care and development programs (Education Code 8200-8488)
- Compensatory education (Education Code 54400)
- Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
- Course periods without educational content (Education Code 51228.1-51228.3)
- Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin,
- immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

  Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243)
- Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
- Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
- Local control and accountability plan (Education Code 52075)
- Migrant education (Education Code 54440-54445
- Physical education instructional minutes (Education Code 51210, 51222, 51223)
- Student fees (Education Code 49010-49013)
- Reasonable accommodations to a lactating student (Education Code 222)
- Regional occupational centers and programs (Education Code 52300-52334.7)
- School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

- School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

- State preschool programs (Education Code 8207-8225)

- State preschool health and safety issues in license-exempt programs (Education Code 8212)

- Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

- Any other state or federal educational program the SPI or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

- Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

- Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)

- Any complaint alleging that a staff member or student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 4119.12, 4219.12,Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.

- Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

- 4319.12 or 5145.71 - Title IX Sexual Harassment Complaint Procedures.

- Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

- Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)

- Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Adopted: December 6, 2023

Berkeley
PUBLIC SCHOOLS
Berkeley Unified School District

10. Procedures and Forms

10.1. Overview of Complaint Procedures and Forms

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

Office of the District Compliance Officer/Title IX Coordinator
Berkeley Unified School District
2020 Bonar Street, Room 116,
Berkeley, CA 94702
510-486-9338

If your issue pertains to:	*Use this form:*
Complaint against any BUSD policy, practice, procedure, or employee	**Complaint Procedure for Parents, Students, Employees and Residents (Form 10.2)**
(a) Discrimination under any protected category (includes actual or perceived race or ethnicity, age, religion, marital or parental status, disability, sex, sexual orientation, gender, gender identity) including sexual harassment and discriminatory bullying. (b) any school program receiving federal and state funds, such as ● Adult Education ● Child Nutrition ● Childcare and Development Programs ● Vocational Education ● Consolidated Categorical Aid Programs ● Migrant Education ● Special Education ● Child Nutrition (c) Complaints regarding the imposition of student fees	**Uniform Complaint Procedure (Form 10.3)** A detailed summary of the District's Uniform Complaint Procedures complaint process is contained in Administrative Regulation 1312.3, which is available on the District's website, and from the Office of the Compliance Officer/ Title Coordinator at 2020 Bonar Street, Room 116, 486-9338.
Sexual harassment by student, between employee and student, between student and non-employee, between employees	**Uniform Complaint Procedure (Form 10.3)**
Bullying	**Bullying Complaint (Form 10.4)** (For discriminatory bullying, the Uniform Complaint Procedure **10.3** is followed.)
Instructional materials, teacher vacancy or misassignment, facility condition, support to complete CAHSEE requirement after exiting high school	**Williams Complaint Procedure (Form 10.5)**

Berkeley Unified School District
Office of the Superintendent

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

This form and process is available for any parent, student, employee or resident who wishes to initiate a complaint against (1) any Berkeley Unified School District policy, practice, or procedure, (2) any school site practice or procedure, or (3) a BUSD employee. The complainant shall attempt to resolve the complaint at Step 1. If not applicable or possible, the complainant may go to the next appropriate step, the employee's immediate supervisor or principal.

Please write the nature of the complaint. This should be a description in your own words of the grounds of your complaint, including all names, dates and places necessary for a complete understanding of your complaint. Please also try to articulate the remedy you are seeking.

1. A Berkeley Unified School District Policy, Practice or Procedure Complaints regarding district policies, practices or procedures begin at Step 4, i.e. with the District Compliance Officer**.** (Please see the reverse for all steps.)

Please specify the Policy, Practice or Procedure**:** _____

2. A site-level practice or procedure _____

Please specify how it was applied: _____

3. District employee: _____

Location: _____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

Complainant's Name Student's Name

_____

Complainant's Phone Number (including area code) Complainant's email address

_____

Complainants Address, City and Zip Code

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

Complainant's Signature_____ **Date Signed** _____

Step 1: Informal Resolution
Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, you should communicate directly with the employee involved in order to resolve concerns. If you are unable or unwilling to resolve the complaint directly with the employee, you may file a written complaint directly to the principal or immediate supervisor (**Step 2).**

Step 2: Filing a Written Formal Complaint
If the complaint was not resolved informally**,** you have the right to submit a formal written complaint to the principal or employees' supervisor. If this complaint is against the principal or central office administrator, it should be filed with the District Compliance Officer (DCO)/Title IX Coordinator, at 2020 Bonar St., Room 116, Berkeley, CA 94702. A formal written complaint must include: the name of the employee, policy, procedure or practice involved, a brief but specific summary of the complaint and a description of any prior attempt to resolve the complaint informally (See Page 1 of the complaint form).

Step 3: Site or Department Hearing
The immediate supervisor or principal shall confer with the parties within five (5) school days of receipt of the written complaint. The immediate supervisor or principal shall provide a written response to the parties within five (5) school days from the date of the conference with the parties. If the immediate supervisor or principal's response does not resolve the complaint, then the party may appeal the response with the DCO by signing the request below and delivering this form to the Director of Student Services.

Request for District Resolution of My Complaint

Name _____ Date _____

Step 4: District Hearing
The DCO or his/her designee shall attempt to resolve the complaint to the satisfaction of the person involved within fifteen (15) school days of receiving the appeal. The DCO or his/her designee will communicate their findings and resolution to all parties in writing.

Both the complainant and the employee against whom the complaint was made may appeal the decision from the DCO to the Superintendent or designee by filing a signed copy of the Complaint Form in the Superintendent's office, or by emailing it to superintendent@berkeley.net, and stating the basis for the appeal.

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Step 5: Appeal Request for Superintendent or Designee Resolution of My Complaint

Name _____ Date _____

Step 5: Superintendent's Review
The Superintendent or designee shall confer with the parties within five (5) school days of the receipt of the appeal. The Superintendent or designee shall respond to the parties in writing within ten (10) school days of the conference.

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

Step 6: Requesting a Board Hearing
The Board may elect to hold a hearing and render a finding or support the finding made at **Step 5** without holding a hearing. The decision of the Board is final and will be communicated to the complainant by the Superintendent.

Berkeley PUBLIC SCHOOLS
Berkeley Unified School District

For Official Use:

Date received _____

Complaint log # _____

Uniform Complaint Form

This form, and Berkeley Unified School District's Uniform Complaint Process, is available for any parent, student, employee or resident who wishes to initiate a formal complaint at the District level. If you need help filling out this form, please ask an administrator or school secretary for assistance. Complaints will be reviewed and responded to within 60 days. Your complaint will be acknowledged by email and you will receive a log number after receipt by the District.

For more information about the complaint procedure, please go to www.berkeleyschools.net/complaints, or see Board Policy 1311 and Administrative Regulation 1311.

You may contact the District Compliance Officer (see contact information at the bottom of the form) with questions about this process or to file this formal complaint.

I. Contact Information of Complainant (the person filling out this form)

_____

Your name | Student's name

_____

Your phone number (including area code) | Your email address

_____

Your address, city and zip code

_____

School name | Student's grade level

II. Basis of Complaint

This form may be used to file a formal complaint regarding:

- General complaints about a Berkeley Unified School District policy, practice or procedure; a school site-level practice or procedure; or a District employee. (Note: Employee/employee complaints may also be filed with the District Compliance Officer and will then be routed to Human Resources for resolution).
- Unlawful discrimination, including discriminatory harassment, intimidation or bullying. In this context, discrimination based on the following characteristics is unlawful under state or federal law: age; ancestry; color; disability (physical or mental); ethnic group identification; gender; gender expression; gender identity; genetic information; homelessness or foster status; marital, parenting or breastfeeding status; nationality; national origin; race or ethnicity; religion; sex (this includes sexual harassment and acts of sexual misconduct); sexual orientation; or based on association with any of these actual or perceived characteristics.
- Retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to the uniform complaint procedures.
- District violations of state or federal law or regulations, including those covering the following programs: Adult Education; After School Education and Safety; Berkeley Peer Assistance and Review Programs; Career/Technical Education; Child Nutrition; Childcare and Development Programs; Compensatory Education; Consolidated Categorical Aid Programs; Education Opportunities of Pupils in Foster Care or Pupils who are Homeless and Former Juvenile Court Pupils; English Learner Programs; Every Student Succeeds Act; Local Control and Accountability Plans; Migrant Education; Physical Education Instructional Minutes (for grades one through six); Pupil Fees; Reasonable Accommodations to a Lactating Pupil; School Safety Plans; Special Education; State Preschool; Tobacco-Use Prevention Education.

III. Details of Complaint

Please describe the incident or concern that led to this complaint, in as much detail as possible, including: the location; the individuals involved; what was said during the incident; the dates/times when the incident(s) occurred or when the alleged acts first came to your attention; and to whom the incident was reported. Please also list any witnesses. You may attach additional sheets or documentation if desired. **Note: Formal complaints should be filed no later than six months from when you became aware of the alleged incident.**

Has the concern been discussed with the school principal, employee, or his/her/their supervisor? If yes, with whom?

If a discussion took place, when did it happen and what was the result of the discussion?

What is your desired remedy? Please describe what you would like for the outcome of this complaint process to be:

I certify that the information I am providing on this form is true and correct.

Complainant's Signature: _____ Date: _____

Supporting documents attached: Yes _____ No _____

Complainants are advised that while the District will make an effort to protect their privacy and confidentiality, investigation of the complaints may require disclosure of certain information to others. By filing a complaint, the complainant authorizes the District to investigate and make disclosures as may be reasonably necessary to the investigation and resolution of the complaint. Complaints will be reviewed and responded to within 60 days.

Retaliation for having filed a complaint is prohibited. If any participant in the complaint process experiences retaliation as a result of having participated in the process, please notify the site principal and/or District Compliance Officer.

IV. Please submit this signed complaint form to:

District Compliance Officer/Title IX Coordinator
Berkeley Unified School District
2020 Bonar Street, Room 116, Berkeley, CA 94702
Email: complaints@berkeley.net Phone: 510.486.9338

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

School: _____

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

Name of Student/ Date of Report: _____

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

Person(s) your complaint involves: _____

Date(s) of incident: _____

Where did the incident take place? _____

Did you report this incident of bullying previously? _____

If yes, to whom? _____

When? _____

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

_____

_____

_____

_____

_____

_____

Complainant's Name: _____ Phone Number: _____

Signature: _____ Date: _____

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

Revised 08.24.16

Berkeley PUBLIC SCHOOLS
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10.5. Williams Uniform Complaint Procedure

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or mis-assignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact Information:

Name: _____

Address: _____

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

Cell: (_____) _____

E-mail address, if any: _____

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

School: _____

Course title/grade level and teacher name: _____

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

Date problem was observed: _____

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

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

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

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

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

- A semester begins and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
- A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

☐ Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)

- A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.
- A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

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

_____

_____

_____

_____

_____

Please file this complaint at the following location:

Compliance Officer/ Title IX Coordinator's Office

Berkeley Unified School District

2020 Bonar Street, Room 116, Berkeley, CA 94702

510-486-9338

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

_____

(signature) (date)

10.6 FOR FAMILIES OF HIGH SCHOOL STUDENTS:

Release and Disclosure of Student Information to the Military and Institutions of Higher Learning

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

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

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

- ☐ Military Recruiters
- ☐ Institutions of Higher Learning

Student's Name (please print) School Counselor

Student or Parent/Guardian Signature Date

If your name and signature does not appear above, your name and address must be released to the military.

In Addition: Instructions for Opting Out of the JAMRS Database

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

The JAMRS database already has your personal information. If you want your data removed from the database, fill out the form below and return it to the address below.

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

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

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

Dear Direct Marketing Program Officer:

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

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

Address: _____

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

Signature: _____ Date: _____
(Parent or legal guardian if individual is under 16 years old)

Berkeley PUBLIC SCHOOLS
Berkeley Unified School District

10.7. BUSD MEDICATION AUTHORIZATION

RETURN COMPLETED FORM TO SCHOOL WITH GUARDIAN AND HEALTH CARE PROVIDER SIGNATURES

Student's Name: _____ **Date of Birth:** _____

School: _____ **Grade:** _____ **Room/Teacher:** _____

PARENT/GUARDIAN AUTHORIZATION:

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

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

Parent/Guardian signature: _____ Date: _____

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

HEALTH CARE PROVIDER AUTHORIZATION:

Name of Medication or Treatment	Reason	Dosage	Route	Time	Refrigerate? (Y/N)	Self-Administer?	Self-Carry? (Y/N)
						❑ No ❑ Yes, supervised ❑ Yes, unsupervised	
						❑ No ❑ Yes, supervised ❑ Yes, unsupervised	
						❑ No ❑ Yes, supervised ❑ Yes, unsupervised	
						❑ No ❑ Yes, supervised ❑ Yes, unsupervised	

Diagnosis/Significant Findings: _____

Allergies (Medication and other substances): _____

Health Care Provider signature: _____ Date: _____

Address: _____ Telephone: _____

This request is valid for a maximum of one year.

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10.8. Request for Disability-Related Aids, Supports, Accommodations and Services * Nonacademic and Extracurricular Programs and Activities

Student Name_____ BD_____ Grade_____

School _____ Teacher _____

Parent/Guardian Name_____

Phone(s)_____ Email_____

Parent/Guardian Name_____

Phone(s) _____ Email_____

Does Student have current IEP? Yes/No Special Education Case Manager: _____
Name

Does Student have current 504 Plan? Yes/No Case Manager: _____
Name

If there is no IEP or 504 Plan, describe the Student's disability or special needs:

_____

My child requires the following disability-related aids, supports, services and/or modifications during the following activities:

List requested aids, supports, services, modifications here: _____

_____

_____

Check activities here:
___ LEARNS/BEARS Afterschool Program ___ Bridge/Rise Program
___ School Club(s) Name: _____
___ Athletics
___ Other program or activity: _____

You will be contacted by Program Staff to discuss your student's needs.

_____

*The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 prohibit nonacademic and extracurricular programs and activities operated or sponsored by public schools from discriminating against students with disabilities by denying admission or ongoing participation solely on the basis of a child's disability. These programs and activities may not deny a reasonable accommodation without making an individualized assessment of the student's needs. A reasonable accommodation may not fundamentally alter the program, or otherwise impose undue burden on the District. Participation in the program or activity need not be required by the student's IEP or Section 504 plan in order for the student to receive aids, supports, modifications, or services.

Berkeley PUBLIC SCHOOLS
Berkeley Unified School District

1720 Oregon Street, Berkeley, CA 94703
Tel: (510) 644-6200 | Fax: (510) 644-8784

10.9 FREE/REDUCED PRICE MEAL APPLICATION

We are encouraging **every eligible family** to complete an application for free/reduced price school meals. Even if your student does not intend to take advantage of the lunch program, every qualified application is counted towards bringing significant federal (Title I) and state (LCFF/LCAP) funding to our schools!

- Please **complete the application online at www.ezmealapp.com** as soon as possible. Online applications are processed in just 24 hours, while paper applications may take up to 10 days.
- Only one form is needed per family, even if you have students at different schools in the district.
- There will be a verification number provided at the end of the online process. Please print out and keep the confirmation page, which includes the verification number, so you have a record of your application.
- If you have any questions about how to complete the form, please contact the Office of Family Engagement and Equity at (510) 644-8991 Staff would be happy to help!

Please Note:

- BUSD provides nutritious low-cost or free meals every school day. Breakfast is free for all students, and over 40% of our students are also eligible to receive lunch at no cost through the free/reduced price meal program.
- If your student does not qualify for free/reduced price lunch, and you do want the option of purchasing meals at school, there is a separate application for a student meal debit account for charging meals at www.ezschoolpay.com.
- Applications can be filled out any time throughout the entire year. If your income changes during the year, you may wish to fill out a new application.
- Whether families qualify for free/reduced or paid meals, student confidentiality is protected by strict limits on the use of information obtained during the free and reduced-price school meals eligibility process.

Berkeley PUBLIC SCHOOLS
Berkeley Unified School District

10.10. Request for Gender Marker/Name Change
School Year – Effective Date: _____

School: _____ ***Grade:*** _____ ***Student ID#***_____

This form is to prevent discrimination of transgender and non-binary students, who are requesting gender marker and name change. For school purposes this request should be completed when a parent/legal guardian wishes the child to be known by a gender and name different from the gender and name on the birth verification but for whom there has been no legal change of gender or name. Please submit form to your School Site Administrator or Student Services at 2020 Bonar Street Berkeley, California 94702 Room #112, phone #510-883-5224. You will be contacted for a meeting with a school site administrator. Student Services may contact you to confirm the process. **This form does not legally change a student's gender or name.**

I, _____, as a parent/legal guardian of

(Please list child's legal name as shown on current birth certificate)

_____, do hereby request that my child,

Who was formerly known as _____
First Middle Last

From this day forward be known as_____
First Middle Last
(This name will also be used for school email)

Preferred gender marker (male, female, non-binary): _____ DOB: _____

Preferred pronouns (i.e. she/her, he/him, they/them): _____

Does your child have a current IEP? ____Yes ____ No

_____ _____
Signature of Parent/Legal Guardian of Student Date

Parent: _____ _____
Phone Number Email address, if any

Confidential student information shall not be shared with any other persons unless authorized by the parent/guardian or student age 18 or over. ***The school principal/vice principal/administrator may consult with a parent/guardian/student to schedule a Gender Support Plan. Parent/legal guardian, please notify Student Services if gender/name is legally changed and submit supporting documentation for transcripts/SEIS changes****. The birth certificate/hospital record shall be maintained in the student cumulative folder. This form shall be maintained in the student's cumulative file, unless otherwise requested by parent/legal guardian.*

School Site Administrator: _____ Date: _____

Student Services Manager: _____ Date: _____

Copy to cumulative file? ___Yes or ___No Parent/Guardian initials: _____

Student Services will:

- Submit copy to Admissions Department Date: _____
- Submit copy to Technology Date: _____
- Submit copy to School Site/Administrator Date: _____
- Submit copy to Special Ed Department Date: _____
- Communication/Support/Plan by school administrator Date: _____

Rev. 11-22-19

gender spectrum

– Confidential –

Gender Support Plan

The purpose of this document is to create shared understandings about the ways in which the student's authentic gender will be accounted for and supported at school. School staff, caregivers and the student should work together to complete this document. Ideally, each will spend time completing the various sections to the best of their ability and then come together to review sections and confirm shared agreements about using the plan. Please note that there is a separate document to plan for a student formally communicating information about a change in their gender status at school.

School/District _____ Today's Date _____
Name Student Uses: _____Name on Birth Certificate:_____
Student's Gender Identity_____ Assigned Sex at Birth _____Student Grade Level _____
Date of Birth _____ Sibling(s)/Grade(s)_____/ _____ _____/_____
Parent(s), Guardian(s), or Caregiver(s) /relation to student
_____ /_____ _____ / _____
_____ / _____ _____ / _____
Meeting participants:_____
_____

PARENT/GUARDIAN INVOLVEMENT

Are guardian(s) of this student aware and supportive of their child's gender status? ____Yes ____No

If not, what considerations must be accounted for in implementing this plan? _____

_____

_____

CONFIDENTIALITY, PRIVACY AND DISCLOSURE

How public or private will information about this student's gender be (check all that apply)?

____ District staff will be aware (Superintendent, Student Support Services, District Psychologist, etc.)
Specify the adult staff members:

____ Site level leadership/administration will know (Principal, head of school, counselor, etc.)
Specify the adult staff members:

____ Teachers and/or other school staff will know
Specify the adult staff members:

____ Student will not be openly "out," but some students are aware of the student's gender
Specify the students:

____ Student is open with others (adults and peers) about gender

____ Other – describe:_____

_____

If the student has asserted a degree of privacy, what steps will be taken if that privacy is compromised, or is believed to have been compromised? _____

_____

_____

_____

How will a teacher/staff member respond to any questions about the student's gender from:

Other students? _____

_____

_____

Staff members?_____

_____

Parents/community? _____

_____

_____

STUDENT SAFETY

Who will be the student's "go to adult" on campus?_____

If this person is not available, what should student do?_____

What, if any, will be the process for periodically checking in with the student and/or family?_____

_____

What are expectations in the event the student is feeling unsafe and how will student signal their need for help:

During class_____

On the yard_____

In the halls_____

Other_____

Other safety concerns/questions:_____

_____

_____

What should the student's parents do if they are concerned about how others are treating their child at school?

_____

_____

NAMES, PRONOUNS AND STUDENT RECORDS

What name and gender marker are listed on the student's identity documents? _____ _____

Name/gender marker entered into the Student Information System_____

Name to be used when referring to the student_____Pronouns _____

Can the student's name/gender marker be reflected in the SIS? _____ If so, how? If not, why not?

_____

_____

If not, what adjustments can be made to protect this student's privacy?_____

_____

_____

Who will be the point person at school for ensuring these adjustments are made and communicated as needed?

_____

How will instances be handled in which the incorrect name or pronoun are used by staff members? _____

_____

By students? _____

_____

How will the student's privacy be accounted for and maintained in the following situations or contexts:

During registration_____

Completing enrollment_____

With substitute teachers_____

Standardized tests_____

School photos_____

IEPs/Other Services _____

Student cumulative file _____

After-school programs_____

Lunch lines_____

Taking attendance_____

Teacher grade book(s)_____

Official school-home communication_____

Unofficial school-home communication (PTA/other)_____

Outside district personnel or providers_____

Summons to office_____

Yearbook_____

Student ID/library cards_____

Posted lists_____

Distribution of texts or other school supplies_____

Assignment of IT accounts_____

PA announcements_____

If the student's guardians are not aware and/or supportive of the student's gender status, how will school-home communications be handled?

_____

_____

What are some other ways the school needs to anticipate the student's privacy being compromised? How will these be handled?

_____

_____

USE OF FACILITIES

Student will use the following restroom(s) on campus_____

Student will change clothes in the following place(s)_____

If student has questions/concerns about facilities, who will be the contact person?_____

What are the expectations regarding the use of facilities for any class trips?_____

_____

What are the expectations regarding rooming for any overnight trips?_____

_____

Are there any questions or concerns about the student's access to facilities?_____

_____

_____

EXTRA CURRICULAR ACTIVITIES

In what extra-curricular programs or activities will the student be participating (sports, theater, clubs, etc)?

_____

_____

What steps will be necessary for supporting the student there?_____

_____

_____

Does the student participate in an after-school program?_____

What steps will be necessary for supporting the student there?_____

_____

_____

Questions/Notes: _____

_____

OTHER CONSIDERATIONS

Are there any specific social dynamics with other students, families or staff members that need to be discussed or accounted for?_____

_____

_____

_____

Does the student have any sibling(s) at school?_____Factors to be considered regarding sibling's needs?

_____

_____

_____

Does the school have a dress code? _____ How will this be handled?_____

_____

_____

Are there lessons, units, content or other activities coming up this year to consider (growth and development, swim unit, social justice units, name projects, dance instruction, Pride events, school dances etc.)?_____

_____

_____

What training(s) will the school engage in to build capacity for working with gender-expansive students?

_____

_____

Are there any other questions, concerns or issues to discuss? _____

_____

_____

_____

_____

_____

_____

_____

SUPPORT PLAN REVIEW AND REVISION

How will this plan be monitored over time?_____

_____

What will be the process should the student, family, or school wish to revisit any aspects of the plan (or seek additions to the plan)?_____

_____

What are specific follow-ups or action items emerging from this meeting and who is responsible for them?

Action Item	Who?	When?

Date/Time of next meeting or check-in_____ Location _____

gender spectrum

– Confidential –

Gender Communication Plan

This document supports the necessary planning for a student to communicate with the school community a change in one or more aspects of their gender from its commonly assumed status to something else. Its purpose is to create the most favorable conditions for a successful experience, and to identify the specific actions that will be taken by the student, school, family, or other support providers.

School/District _____ Today's Date _____
Student's Preferred Name _____ Legal Name _____
Student's Gender _____ Assigned Sex at Birth _____ Student Grade Level _____
Date of Birth _____ Sibling(s)/Grade(s) _____ / _____ _____ / _____
Parent(s)/Guardian(s)/Caregiver(s) /relation to student
_____ / _____ _____ / _____
_____ / _____ _____ / _____

What does the student wish to communicate about their gender (change in identity, expression, etc.)?

_____

How urgent is the student's need? Is the child currently experiencing distress regarding their gender?

_____

PARENT/GUARDIAN INVOLVEMENT

Are guardian(s) of this student aware and supportive of their child's gender communication? ____Yes ____No

If not, what considerations must be accounted for in implementing this plan? _____

_____

_____

INITIAL PLANNING MEETING

When will the initial planning meeting take place? _____ Where will it occur? _____

Who will be the members of the team supporting the student's communication?

- ❑ Student _____
- ❑ Parent(s) _____ _____ _____
- ❑ School Staff _____ _____ _____
  _____ _____ _____
- ❑ Other _____ _____ _____

COMMUNICATION DETAILS

What is the specific information that will be conveyed to other students (be specific)? _____

_____

_____

What requests will be made (new name, pronouns, use of facilities, etc.)? _____

_____

With whom and when will this information be shared?

- ❑ With peers in the student's class only Date: _____
- ❑ With peers in the student's grade level Date: _____
- ❑ With some/all students at school (specify)_____ Date:_____
- ❑ Other (specify) _____

Who will lead the lessons/activities framing the student's announcement?_____

What will the lesson/activities be? _____

_____

Will the student be present for the lesson/sharing of info about their gender? _____

If yes, what if any role does the student want to play in the process?_____

_____

Once the information is shared, what parameters/expectations will be set regarding approaching the student?

_____

_____

Other notes, considerations or questions _____

_____

KEY DECISIONS PRIOR TO STUDENT'S COMMUNICATION

Communications with Other Families

Will any sort of information be shared with other families about the student's gender? _____

With whom: ____ Families in child's grade _____ Whole School _____Other (specify)_____

Who will be responsible for creating this? _____ When will it be sent? _____

How will it be distributed? _____

What specific information will be shared*? _____

_____

_____

_____

Questions/Notes: _____

_____

* see sample letters

Training for School Staff

Will there be specific training about this student's gender with school staff?_____ When? _

Who will be conducting the training? _____ What will be the content of the training?

_____

_____

Questions/Notes: _____

_____

_____

Parent Information Night About Gender Diversity

Will there be specific training for school community members?_____ When? _____

Who'll conduct it? _____Will it reference the student's gender?_____

What will be the content of the training? _____

_____

_____

Questions/Notes: _____

_____

Class Meeting with Parents

Will there be any meeting with the families of the student's peers?_____ When?_____

Who will lead the meeting?_____ Who will be attending the meeting?_____

What will be the purpose for this meeting? _____

_____

_____

Identifying and Enlisting Parent Allies

Are there any parents/adults in the community you would like to enlist in support of the child's communication?

If so, who?_____

When will you speak with them?_____ What will be your request? _____

_____

Questions/Notes: _____

_____

Identifying and Enlisting Peer Allies

Are there other students you would like to enlist in support of the child's communication?_____

If so, who?_____

When will they be spoken with?_____ What requests will be made? _____

_____

_____

Questions/Notes: _____

Siblings

Does the student have any siblings at the school?____What needs to be considered for them?

Training in their classroom(s)? _____ Emotional Support?_____

_____

_____

Questions/Notes: _____

_____

_____

TIMELINE

Which of the following will take place in relation to this student's gender communication, and when will it occur and who will be responsible for making it happen?

Activity	Date	Lead
❑ Initial Planning Meeting	_____	_____
❑ Lessons/Activities with Other Students	_____	_____
❑ Communications with Other Families	_____	_____
❑ Training for School Staff	_____	_____
❑ Parent Information Night About Gender Diversity	_____	_____
❑ Class Meeting with Parents	_____	_____
❑ Identifying and Enlisting Parent Allies	_____	_____
❑ Identifying and Enlisting Peer Allies	_____	_____

What are the specific follow-ups or action items emerging from this meeting and who is responsible for them?

Action Item	Who?	When?

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USE OF STUDENT IMAGES/SCHOOLWORK

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

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

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

We want you to know that:

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

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

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

Student's Name	School Name
Parent/Guardian Name	Telephone
Parent/Guardian Signature	Date