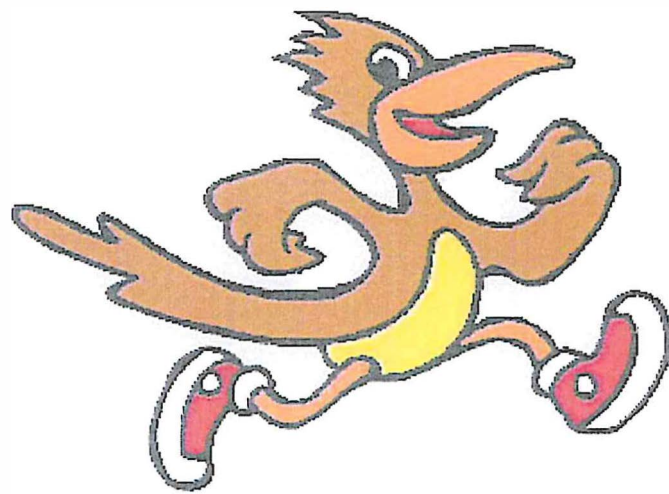


Rock Creek School



Code of Conduct

2019 - 2020

Code of Conduct

Rock Creek Elementary School has three primary values:

Be Safe, Be Responsible, Be Respectful.

These rules are defined as follows:

- Be Safe – To behave so that no one gets hurt
- Be Respectful – To treat others the way you want to be treated; to be kind
- Be Responsible – To do what is right; to do what you are supposed to do

Our school reinforces these values through acknowledgments, incentives and consequences. Behavior standards are maintained in accordance with the California Education Code. The resolution of behavior problems is a joint effort between the students, parents, teachers, and school administrators. Communication will be timely and respectful. Our discipline is progressive in nature and consequences increase with repeat occurrences. Teachers and administrators will follow these progressive discipline steps when working with students and their families.

DEFINITION OF DISCIPLINE

Training that enables the student to make safe, respectful, and responsible choices in a climate of warmth and support always beginning with clear, concise limits and with follow-up consequences.

This Code of Conduct sets forth behavior expectations and supports established on our campus to maintain a culture of learning which is safe, responsible, and respectful, including the following behavior strategies:

EXPECTATIONS

Cell Phones and other Electronics

Cell phones must be turned off throughout the entire school day. Staff members and other adults may have phones on them, but should place the phones on silent. If a student has received permission and is being supervised by a staff member, he or she may turn on and use the cell phone to contact their parent/guardian. If a cell phone is found in the "on" position or used during the school day without permission, it may be confiscated by a staff member. Parents may pick up their child's confiscated cell phone in the main office. Students who chronically violate this cell phone policy may be required to turn in their cell phones to the main office during the school day, or may not be permitted to have it on campus for the remainder of the school year. The same rules apply to all non-school provided electronics. Unauthorized video recording with cell phone or other electronic device is prohibited.

Smartwatches

Rock Creek Elementary School acknowledges that Smartwatches may be a part of some families' direct communication and considered to support child safety and students can wear these devices if they do not pose a disruption; however, if any functions are used during the course of the school day, they will be treated as a cell phone and the above cell phone policy will apply.

Dress Code

The school district board policy requires that a student shall be neat, clean, and shall observe the general styles of dress, hair, and grooming which the principal and teachers consider to be appropriate for the age level and classroom or playground activities. Any type of dress or grooming that is disruptive to the class/school will not be permitted. Personal appearance standards for students are defined in the following dress code:

- No clothing or personal items that disrupt the educational process.
- Students may not wear clothing or jewelry that contains any inappropriate images or wording that include, but are not limited to, sexual content, alcohol, tobacco, other drugs, or violence.
- Clothing must be sufficient to conceal all undergarments at all times.
- Halter tops, bare midriffs, spaghetti straps, low cut or revealing tops, mesh or see-through tops, bareback tops, crop tops and half-shirts are not allowed. Straps on blouses must be at least one inch wide.
- Shorts, skirts, and dresses must pass the following estin order to be considered acceptable: Standing, with arms relaxed at each side, the ends of your index fingers shall touch the bottom of the garment
- If leggings, "yoga" pants, and /or tights are worn, the hem of the top must reach at or below the index finger, if there is a slit or holes in the clothing, these must be below your index finger.
- Shoes should be appropriate for walking and running, and cannot interfere with the P.E. program or recess activities. Shoes without a back (e.g. flip-flops or clogs), or with a heel greater than two inches, are not safe to wear during physical activities, and therefore are not allowed.
- Any kind of accessory that is deemed inappropriate is not allowed. This includes but not limited to wallet chains, spikes, and handcuffs.

Students wearing inappropriate attire or footwear will be sent to the office, and will first call their parent or guardian. Students will be given the option to change into appropriate clothing at the site. Students who repeatedly violate the dress code will receive disciplinary consequences.

Sodas and Energy Drinks

Sodas and energy drinks, such as Monster, Red Bull, Rockstar, etc. are prohibited on the Rock Creek campus. Energy drinks will be confiscated and will not be returned to the student. We encourage water, low sugar juices, or milk.

Dealing with Conflict

When students are having a conflict, we ask that they do one or more of the following:

- Use the set of social-emotional "Toolbox" tools taught by the staff.
- Find an adult to help.
- If a student has created a problem or caused harm, we support them to:
 - "Own it, fix it, and learn from it."

POSITIVE INCENTIVES AND RECOGNITION

Rock Creek School believes in recognizing students that show positive leadership. These are students that either continually follow the rules or do something extra special that is above and beyond what is expected of the student. When students are found behaving well consistently or doing something extra special, Rock Creek staff members recognize the positive behavior by giving verbal praise that acknowledges that positive effort.

- **Caught Ya:** A "Caught Ya" is a positive thank you for students when they do something that is extra special or out of the ordinary. Rock Creek Staff Members complete a "Caught Ya," and students turn it into a class raffle. At the end of each week, each teacher will select one Caught Ya from the class raffle and the winner will get to come to the office for a prize. At the

end of each month, all Caught Yas for the month are put into a schoolwide raffle and one winner from each class is announced at the monthly assembly and each receives a small prize.

- **Students of the Month:** Every month, one of various character traits (e.g. Citizenship, Fairness, Caring, etc.) is the area of focus for student behavior. Students who consistently demonstrate that character trait throughout the month are recognized at monthly Roadrunner Recognition Assemblies.
- **End of Trimester Awards Assembly:** Students who qualify receive perfect attendance and academic honor roll awards (for 4th and 5th graders only) at the end of each trimester. This allows us to recognize students for their hard work and great efforts of being at school.

Rock Creek Behavior Expectations

	Be Safe	Be Respectful	Be Responsible
All Common Areas	-Keep hands, feet and objects to self -Use equipment and materials properly -Walk facing forward	-Use kind words and actions -Wait your turn -Clean up after self -Follow adults' directions -Be Honest -No Gum	-Follow behavior expectations -Remind others to follow expectations -Take care of personal belongings
Classroom	-Walk only -Keep hands and feet and objects to self -Stay in your seat	-Leave other people's property alone -Raise your hand -Follow teachers' instructions -Be kind	-Complete work on time -Do your own work -Keep your area neat and clean -Stay on Task
Playground & Recess	-Walk to and from the playground -Stay within the boundaries -Be aware of activities / games around you -Hands / feet to yourself -Picnic Area for sitting only	-Include everyone -Follow game rules -Use kind words -What is on the ground stays on the ground -No food allowed	-Use recess bathrooms only -Return equipment properly -Get adult help if needed -Obey freeze bell Use equipment properly
Passing Areas (Hallways, Sidewalks)	-Keep hands, feet and objects to yourself -Stay out of red zones -Allow others to pass. -Walk at all times.	-Hold door open for the person behind you -Use a quiet voice	-Stay on sidewalks -Go where you are supposed to go
Bathrooms	-Keep feet on the floor -Keep water in the sink -Wash hands	-Knock on stall door -Give people privacy -Use quiet voice	-Flush toilet after use -Return to room promptly -Use a bathroom pass -Put towels in garbage
Arrival and Dismissal area	-Use crosswalks -Wait in designated areas -Walk bikes and scooters -Avoid climbing on railings -Enter/exit on school side of car	-Use kind words and actions -Follow adults' directions -The phone is for emergencies only -Carry Skateboards always	-Arrive on time -Leave on time -Arrange rides ahead of time
Library	-Walk at all times -Keep hands, feet, and objects to yourself	-Follow adults' directions -Use quiet voice -Use materials properly	-Treat books and materials with care -Return books on time
Cafeteria	-Walk at all times -Sit with bottom on bench facing forward -Keep hands, feet and objects to self	-Use quiet voice -Follow adults' directions -Allow anyone to sit by you -Keep your place in line	-Eat your own food -Raise your hand -Throw away your trash -Stack trays properly
Office	-Put backpack / materials out of pathways -Stay in your seat	-Follow adults' directions -Wait your turn	-Stay in appropriate areas -Sit quietly
Special Events and Assemblies	-Stay in line at all times -Stay in your seat -Keep hands, feet, and objects to self	-Follow adults' directions -Listen carefully -Use audience manners	-Sit on bottom -Look for quiet hand -Be silent during presentations

MINOR BEHAVIORS

Minor student disciplinary problems such as excessive talking or distractions, not bringing materials/assignments to class, homework-related issues and failure to follow classroom rules, will be addressed directly among the teacher, student and parents/guardians.

MAJOR BEHAVIORS

Major student disciplinary problems are those such as those items addressed in California Education Code; including but not limited to physical injury, possession of weapons, vandalism, theft, bullying, harassment, obscene acts, and electronic acts. For a complete list of California Education Code violations which may result in suspension or expulsion by administrator or designee see [California Education Code 48900](#).

A pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to California Education Code Section 48900, subdivisions (a) to (r), inclusive. The maximum number of allowable suspensions within a single school year is 20. If a student reaches twenty days of suspension, he or she may be expelled from the school district.

BULLYING

Bullying is intended to cause some kind of harm, either physical or psychological. The person doing the bullying purposely says or does something to hurt the target of his or her behavior and it always involves an imbalance of strength, whether physical or social. In other words the "bully" has or is perceived to have greater physical strength or social status than the person targeted. Bullying is aggressive, deliberate and unwanted or unprovoked and the "bully" is often unemotional or even gains a sense of satisfaction from the behavior, rather than exhibiting sorrow or regret. While bullying can occur in a single incident, it is usually a pattern of behavior repeated over time and can take many forms –physical, verbal or social.

CONSEQUENCES FOR MINOR OR MAJOR BEHAVIORS

Please be advised that four or more minor infractions and/or one major infraction may indicate that your child could pose a risk to the safety of themselves or others if attending off-site field trips. In such a case, it is our policy that based on teacher discretion, that a parent chaperone may be required in these instances, or your child will be provided with an alternative educational setting for the duration of the field trip.

Infraction 1: Warning given to the student (minor behavior)

Infraction 2: Student earns a walking ticket or campus beautification task during recess (minor).

Infraction 3: Student and teacher call adult parent or guardian to discuss problem behavior (minor).

Infraction 4: Student removed from classroom to a partner class and may return when ready to learn.

Infraction 5: Classroom Dismissal and/or School Suspension (major behavior)

- Teacher will complete the Rock Creek Behavior Report
- Teacher will call the office to notify of student arrival
- Student will come to the office with the completed Behavior Report
- Administrator will discuss behavior with student, investigate, determine the consequences and coordinate with general ed teacher, then notify the parents/guardians
- For serious infractions Administrator may waive actions for infractions one - four.

Rock Creek Behavior Report

Classroom teachers and administrator use the behavior slips to document student(s) classroom and campus-related disciplinary actions. An example of a behavior report is displayed below.

Rock Creek Roadrunner Behavior Report	
Student Name: _____ Grade: _____ Date: _____ Time: _____ Teacher: _____ Referring Staff Member: _____ Location: _____ Behavior was not (circle): Safe Respectful Responsible	
Problem Behavior (Minor) <input type="checkbox"/> Inappropriate Language <input type="checkbox"/> Physical Contact/Horseplay <input type="checkbox"/> Disrespect/Defiance/Disruption <input type="checkbox"/> Property Misuse <input type="checkbox"/> Dress Code <input type="checkbox"/> Technology Violation <input type="checkbox"/> Other _____	Problem Behavior (Major) <input type="checkbox"/> Vulgar Language <input type="checkbox"/> Fighting/Assault/Physical Aggression <input type="checkbox"/> Disrespect/Defiance/Disruption <input type="checkbox"/> Harassment/Bullying <input type="checkbox"/> Vandalism <input type="checkbox"/> False Alarm <input type="checkbox"/> Forgery/Theft <input type="checkbox"/> Lying/Cheating <input type="checkbox"/> Weapon/Combustibles <input type="checkbox"/> Technology Violation <input type="checkbox"/> Possession of Prohibited Item <input type="checkbox"/> Other _____
Explanation (What happened?): _____	
Consequences Given By _____ Date(s) of Consequence(s): _____ <input type="checkbox"/> Time in Office <input type="checkbox"/> Conference with Student <input type="checkbox"/> Loss of Privilege <input type="checkbox"/> Recess Time-Out/Detention - circle which recess(es): Before-School AM Lunch PM <input type="checkbox"/> In-School Suspension (Days: _____) <input type="checkbox"/> Out of School Suspension (Days: _____) <input type="checkbox"/> Parent Phone Call	
Student Signature: _____ Parent Signature: _____	

A student who receives a behavior slip is expected to review the behavior slip with his/her parent/guardian(s). The student will return behavior slip signed by parent/guardian(s) the next school day as a condition of re-entering the classroom. When a behavior report includes major behavior issues, the administration will contact the student's parent/guardians to inform them that the Behavior Report is coming home and to discuss the situation. Parents are encouraged to contact their student's teacher or the administrator if they have any questions. Telephone, email, or comments written on the behavior slip are ways to communicate.

ACTIVITIES AND CONSEQUENCES CHART

The following chart defines activities by type that a student will not participate in without parent chaperone if more behavior reports are received than the number listed within the given time frame.

ACTIVITY	LEVEL 1 MINOR	LEVEL 2 MAJOR	SUSPENSION FROM SCHOOL	TIME
Special Class or School Events or Assemblies	Not more than (3)	0	0	Last Trimester
Last day of school activities	Not more than (3)	0	0	Last Trimester
End of the Year Award Programs or Special Activities	Not more than (3)	0	0	Last Trimester
Study Trips	Not more than (3)	0	0	Current Trimester*

PARENT LETTER EXAMPLE WHEN STUDENTS REQUIRE AN INDIVIDUAL CHAPERONE

Dear _____,

I am sorry to inform you that your child, _____, requires an adult chaperone in order to attend our _____ (event) on _____ (date) due to _____ demerits (citations). It is the chaperone's responsibility to shadow the student from _____ (time frame) at that time. Please sign and return the attached commitment form.

My student, _____, will attend the end of the event at the time above with a chaperone.

Name and phone number of chaperone _____.

I am unable or unwilling to chaperone and understand that my child will be missing the event and will instead be supervised in an alternative setting, which may include participating in campus beautification.

Signature of parent/guardian _____

Attendance

School attendance is vital to every student's education. Consistent attendance enables students to grasp educational concepts and be better prepared to connect their learning to each additional concept taught. Students with better attendance tend to be students who earn better grades, feel connected to school and to their peers, know what is happening in their classrooms, and continue being successful as they pursue their future years of education. In addition, every time that a student is absent from school, regardless of the reason, the Auburn Union School District loses approximately \$40 per day in funding. If the school district were able to have each school raise their attendance by just 1% per school year, over \$100,000 would be gained for the school year to support students in ways that we have had to eliminate over the past few years.

ABSENCES: When a child is absent, please call the attendance hotline (745-8827) or send a note with your child on the day he/she returns to school. *The note must indicate the student's full name, dates of absences, specific reason for the absence, and parent signature.*

- **Unexcused Absences**

3rd Unexcused Absence	1 st Parent letter sent home
4 th Unexcused Absence	2 nd Parent letter sent home
5 th Unexcused Absence	3 rd letter sent and meeting with principal
6 th Unexcused Absence	Referral to the Placer County Student Attendance Review Board

- **Excused Absences ***

4 th Excused Absence	1 st Parent letter sent home
8 th Excused Absence	2 nd Parent letter sent home
12 th Excused Absence	3 rd Parent letter sent home and meeting with principal
14 th Excused Absence	Doctor's note required for each additional absence. If no improvement, a referral will be submitted to the Placer County Student Attendance Review Board.

* Excused Absences would include but not be limited to:

- Personal Illness
- Medical/dental appointments
- Funeral Services of immediate family
- Appearance in court
- Observance of religious holiday

TARDIES: Students arriving late to school must report to the office for a late slip before going to class. Students who are frequently late will have a letter sent home to the parents to bring this to their attention. Our goal is to help students establish the habit of arriving on time.

Students that arrive or leave early unexcused, missing more than 30 minutes of school more than 3 times in 1 school year will be considered a truant and parents will be required to meet with the principal and if no improvement, will be referred to the Placer County Student Attendance Review Board.

POSITIVE INCENTIVES FOR ATTENDANCE: As a way to continually improve overall school attendance, Perfect Attendance certificates are presented at each trimester's Roadrunner Recognition Award Assembly. Perfect attendance is defined as a student at school and on time every day and staying for the entire school day. One student per trimester who demonstrates perfect attendance is awarded a gift card from Target. On any day that we have 100% student attendance, all students will receive a reward in order to celebrate this great achievement!



AUBURN UNION SCHOOL DISTRICT
255 EPPERLE LANE
AUBURN, CA 95603
PHONE 530.885.7242
FAX 530.885.5170

AUBURN UNION SCHOOL DISTRICT NONDISCRIMINATION STATEMENT

The Auburn Union School District does not allow discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived race, color, ancestry, nationality/national origin, immigration status, ethnic group identification/ethnicity, age, religion, marital status/ pregnancy/ parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, medical information or association with a person or group with one of more of these actual or perceived characteristics. For questions or complaints, contact Equity Officer and Title IX Compliance Officer: Michelle Lucci Garcia, Director of Curriculum & Instruction, 255 Epperle Lane, Auburn, CA 95603 (530) 885-7242, mluccigarcia@auburn.k12.ca.us.

Auburn Un SD | BP 5145.3 Students

Nondiscrimination/Harassment

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

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

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

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the

implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 48900.3 Suspension or expulsion for act of hate violence
- 48900.4 Suspension or expulsion for threats or harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48907 Student exercise of free expression
- 48950 Freedom of speech
- 48985 Translation of notices
- 49020-49023 Athletic programs
- 51500 Prohibited instruction or activity
- 51501 Prohibited means of instruction
- 60044 Prohibited instructional materials

CIVIL CODE

- 1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

- 11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

- 422.55 Definition of hate crime
- 422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

- 432 Student record
- 4600-4670 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX of the Education Amendments of 1972
- 12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

- 794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, Fact Sheet, August 2010

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

California Office of the Attorney General: <http://oag.ca.gov>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy AUBURN UNION SCHOOL DISTRICT

adopted: June 27, 2018 Auburn, California

Auburn Un SD | BP 5145.7 Students

Sexual Harassment

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. 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 who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her 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. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

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:

1. 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
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. 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

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy 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.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Board of Trustees to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy AUBURN UNION SCHOOL DISTRICT

adopted: May 9, 2018 Auburn, California