



Luther Burbank
School District

Parent / Guardian Handbook
2022-2023

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Mission & Vision

Mission Statement

Through a united community effort, we will inspire the students of Luther Burbank to become motivated, lifelong learners by providing a focused curriculum that embraces high social and academic standards, quality instruction, and state-of-the-art technology.

District Vision

All Luther Burbank students will be lifelong learners and graduate from a university. This will be accomplished by **ENGAGING**, **EDUCATING**, and **EMPOWERING** students to reach their potential leading them to one day becoming responsible and inspirational leaders in a multicultural, fast-paced world.

Daily Expectations Overview

- Arrive by 7:50 am every day (Provide the student enough time to walk to class)
- Pick up by 3:05 pm most on Mon, Tues, Thurs, Fri; 12:05 pm on Wed. (Minimum Days)
- Wear the proper and correct uniform which is a green or white polo with dark blue bottoms. Only grades 6-8 may wear khaki bottoms also.
- Student cell phones/electronic devices must be off and, in the backpack. The school is not responsible for valuable items, leave them at home.

Daily Schedule

Monday, Tuesday, Thursday, and Friday: 8:00 am – 3:00 pm

Wednesday (Minimum Day): 8:00 am – 12:00 noon

Breakfast	Recess	Lunch
Grades: TK – 3 @ 9:40 am -9:50 am	Grades: TK - 3 @ 9:50 am – 10:00 am	Grades: TK -3 @ 12:00 - 12:45 pm
Grades: 4 - 5 @ 10:00 am – 10:10 am	Grades: 4 – 5 @ 10:10 am – 10:20am	Grades: 4 -5 @ 12:20 pm - 1:05 pm
Grades: 6 - 8 @ 10:20 am – 10:30 am	Grades: 6-8 @ 10:30 am – 10:40 am	Grades: 6 - 8 @ 12:45 pm - 1:30 pm

Wednesday Lunch is @ 12:00 (Grab & Go)

Rainy Day Arrival

- TK & Kindergarten students go directly to their classroom; doors will open at 7:45.
- 1st-8th Grade students will go directly to the cafeteria; teachers will pick up students and escort them to class.



Luther Burbank School District

2022/23 School Calendar

July 2022						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August 2022						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
Instructional Days: 11						

September 2022						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
Instructional Days: 21						

October 2022						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
Instructional Days: 20						

November 2022						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
Instructional Days: 16						

December 2022						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
Instructional Days: 12						

January 2023						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
Instructional Days: 16						

February 2023						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				
Instructional Days: 18						

March 2023						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
Instructional Days: 22						

April 2023						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						
Instructional Days: 10						

May 2023						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
Instructional Days: 22						

June 2023						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
26	27	28	29	30		
Instructional Days: 12						

August 15-16	Teacher Workdays
August 17	First Day of School
September 5	Labor Day
October 31	Staff PD Day (No School)
November 10	End of 1 st Trimester
November 11	Veteran's Day
Nov 14 - Nov 18	Parent-Teacher Conferences

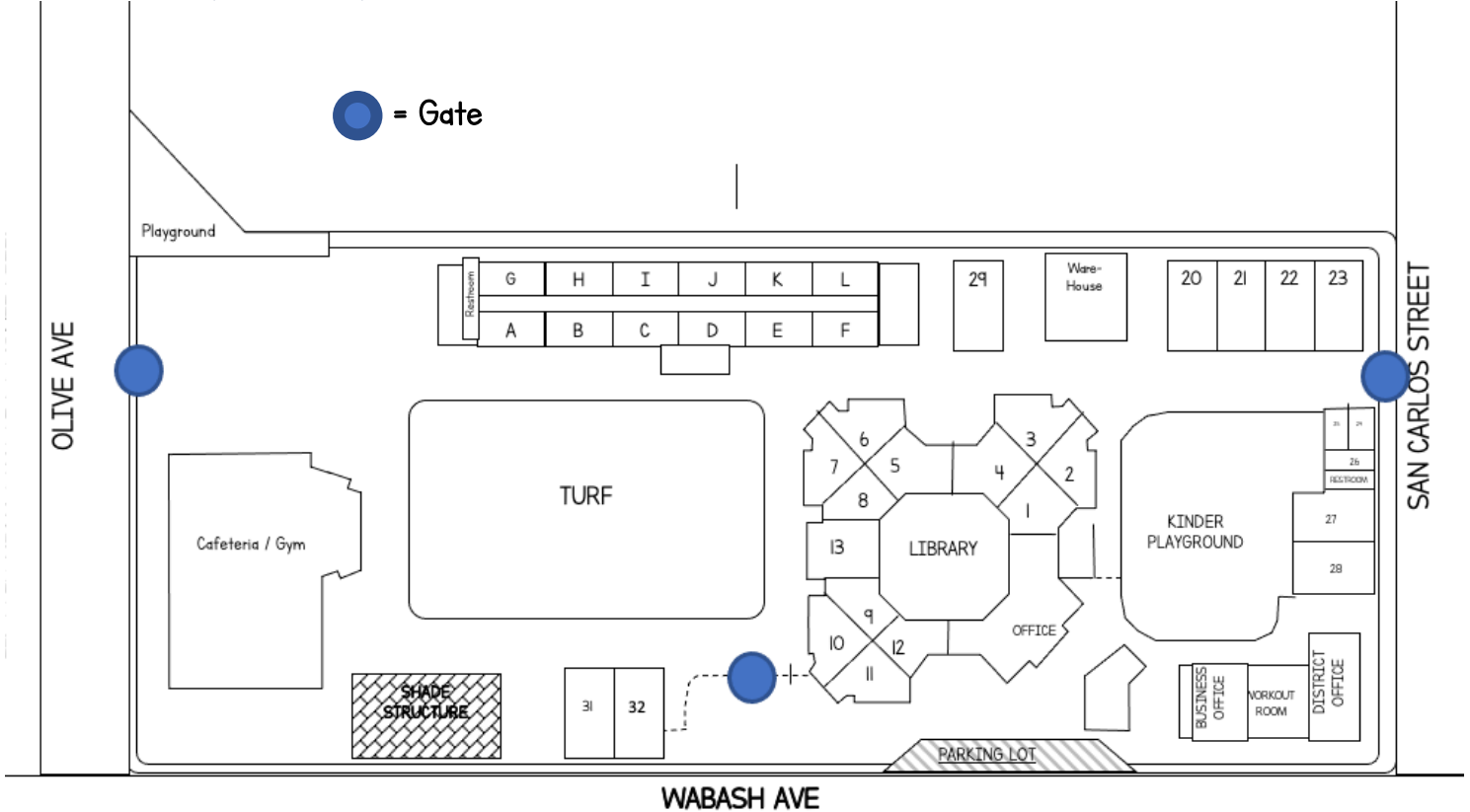
November 21-25	Fall Break (No School)
Dec 19 - Jan 6	Winter Break (No School)
January 16	Martin L. King Day (No School)
February 17 & 20	President's Day (No School)
March 8	End of 2 nd Trimester
March 13	Staff PD Day (No School)
March 20-24	Parent-Teacher Conferences

April 3 - April 14	Spring Break (No School)
May 15 - May 26	CAASPP Testing
May 29	Memorial Day
June 16	End of 3 rd Trimester
June 16	Last Day of School

180 Instructional Days
 184 Teacher Workdays
 Revised 3/30/2022
 Board Adopted 06/23/2020

Safe Campus Policy

Safe Campus Pick-Up Locations



Olive Ave Gate – Pick up Grades 3rd – 8th (Passenger Loading Zone)

Wabash Ave Gate - Pick up Grades 1st – 8th Grade (Passenger loading Zone, No Parking Allowed)

San Carlos Street Gate – Pick up Grades TK – 8th Grade (15 Minute Parking Zone)

The safety of our students is our priority. We review our practices regularly to ensure a safe and focused learning environment for all students. Please make sure to follow all traffic signals and safety patrol to ensure the safety of everyone.

Bicycles, Scooters, and Skateboards

Students are encouraged to walk and bike to campus! There is a bicycle rack available for students to lock their bikes during the day. We do not have any storage for scooters or skateboards in the office. We requested that students not bring these to school. If brought the school is not liable for any lost or stolen scooters, skateboards, etc. If students ride devices on school grounds, staff members may confiscate them. Please see more under “Confiscated Items”

Confiscated Items

Students should not bring prohibited items disruptive to school operations. If so, items will be confiscated by school staff. If the student refuses to hand over item(s), parents/guardians will be called to come to pick item up from the student. This also includes electronic items/devices.

1st Time confiscated- A teacher may confiscate an item for a first violation and return it to the student at the end of the day. For all subsequent violations, the teacher will pass confiscated items to a school administrator.

2nd Time confiscated- School administrators will hold confiscated items until the close of the day, with pickup possible beginning 15 minutes after dismissal, pending administrator availability. Students who are unable or unwilling to wait after school may pick up their items at any non-instructional time during the next school day (before or after school)

3rd Time Confiscated - If a student's item requires pickup from an administrator a third time, the student's adult family member will be required to pick up the item in person. If the student continues to violate policy and causes the item to be confiscated again, the student and family will be required to comply with a contract prohibiting the item from school grounds.

4th Time Confiscated – If a student's item is confiscated for the 4th time, an administration will meet with parent/guardians and prohibit the student from bringing the item(s) to school.

Dress Code

The purpose of our dress code policy at Luther Burbank is to:

- Support Student Safety
- Promote Health & Hygiene
- Promote unity
- Prepare Students for their future
- Establish a learning environment focused on education

All student clothing, **always**, must **fit** and be **appropriate** for school:

- All skin is covered below the collarbone and above the knees
- Clothing drapes minimally
- All underclothing (underwear, bras, undershirts, etc.) must be covered
- Messaging appropriate to a school environment
- Avoids advertisements for regulated substances or offensive statements
- Uses mainly colors other than blue or red

	Uniform	Free Dress	Not Acceptable
Top	Any Luther Burbank logo shirt or Collared shirt Solid Color: White or Dark green (hunter/forest green)	T-shirt, button-up shirt, polo shirt, blouse, or another top	Tank tops
Bottom	Shorts, skirt, slacks, or dress pants Solid Color: Navy Blue (Grade 6 th – 8 th may also wear: Solid Color: Khaki / Tan) Optional: Neutral color tights under another bottom	Shorts, skirt, jeans, slacks, or dress pants	-Gym pants -Cargo pants -Skinny/stretch pants -Leggings/Yoga Pants -Tights (unless w/skirt/shorts/jumper)
Shoes & socks	Neutral colors (Dark Blue / Navy, Black, White, Gray, or Khaki Tan) Shoes must allow students to play safely at recess and in PE.	Neutral or Colorful shoes without bright red or bright blue	Bright red or bright blue stripes, laces, or marks Open-toed sandals High-heeled shoes
Optional: Sweater / Jacket	Solid Neutral colors: Navy Blue, Black, Gray, Hunter Green) Sweatshirts may have hoods; hoods may not be worn during instruction.	Sweatshirts with or without colors, logos, or patterns	Hood worn on head
Optional: Sun protection	Hats which shade the face fully may be worn in direct sunlight only Umbrellas and rain jackets may be used in the rain only	Funny or costume hats which do not cover face	Hoods, beanies, hairnets, or bandannas
Optional: Adornment	School administration will not permit any adornment that distracts from learning. Earrings: 1 small pair (1 cm) Jewelry: Small & safe Hair: Must not hinder vision and uncover eyes. Nail polish may be worn by 6 th -8 th graders (avoid bright red/blue, nails cannot extend above fingertips)		Pierced jewelry other than earrings Earrings (>1 cm diameter) Make-up or perfume Designs cut into the hair Nail extensions Tattoos

When the dress code is being enforced, students, parents/guardians, and staff can expect

1. Expectations Communicated Clearly and Frequently through various methods
 - a. Meetings, websites, student and parent groups, fliers, parent square etc.
2. Consistent Enforcement with all students
3. Identification of Violations Early in the school day or activity.
4. Minimal Time out of class.
5. Immediate Action if the Violation is extreme and/or presents a safety or health risk.
6. Parents Notified of Specific Violation and Outcome.

Families who have trouble purchasing uniform items should contact the school office. Assistance is available for families with dire financial needs. The school office gladly accepts donations of clean and usable uniform items; as students grow, please bring any items which no longer fit to help other families.

Drop off / Pick Up

We recommend students be dropped off at their assigned gate. Please say goodbye to students at the gate visitors may not enter campus after 8:00 am.

- TK – 1 graders must be signed out and picked up from San Carlos Street.
- 2nd – 8th May depart from Wabash gate.
- 3rd - 8th graders may walk off-campus at any gate.

Early Pick Up

If you need to pick up a student early from school for an appointment or family emergency, please visit the school office to sign them out. It may take 15-30 minutes for the student to leave class, so we will not sign out students after 2:30 pm (11:30 am Wednesdays). Please note that if a student is absent 3 times or more than 30 minutes late without a valid excuse, this could be considered truant. Try to make all appointments after school.

Messages

Students may not receive calls, texts, or other interruptions during the school day. If it is an urgent message, please visit, or call the school office at 408-295-1814 and staff will deliver the message as needed to the student, typically without interrupting instruction.

Parking

Parking is only available on Olive Ave or W. San Carlos St. There is very little parking along Wabash Avenue, family may not park in the staff parking lot – the school cannot operate safely if staff and emergency professionals cannot access the school. LBSD is not responsible for any traffic citations or towed vehicle expenses.

Personal Electronic Devices

Students may bring personal electronic devices (including cell phones) to campus at their families own risk. The school/district is not responsible if they are damaged, lost, or stolen. The school will not search for lost electronic devices. Students who bring electronic devices such as cell phones are required to keep them in their backpacks during any school-supervised activities, instructional time, and field trips. If students have their electronic devices out during the academic, staff may confiscate the device, please see "Confiscated Items" for the level of offenses and consequences.

What to Bring to School?

Leave all personal items at home. The school will not investigate or replace missing items.

Leave at home:

- Toys
- Dangerous Objects
- Smelly Objects
- Valuable Items
- Junk Food

Expectations of Parents/Guardians

Here at Luther Burbank School, we come to work together for a common purpose, to help our students become the best citizens they can be. Each staff member and family member play a critical role in the achievement of this purpose. Parents play a huge role and responsibility for improved student academics achievement at home. Together we can make this possible!

Attendance



5 Reasons Why Student Attendance Matters

1] When your child is not in school, s/he is not learning . Poor attendance in elementary school is linked to increased dropouts in high school	2] Curriculum moves forward when your child is not in class such that they are confused when they return	3] Attendance is one of the biggest indicators of academic success	4] When students miss school for reasons other than serious illness, they receive a message that school is not a priority	5] Student behavior is better when they have good attendance
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It is important for students to be on time, in uniform, and ready to learn for the entire school day. Students who attend school every day learn more and complete assignments more easily.

Research shows very clearly that **students who miss school fall behind significantly - they have lower grades, enjoy school less, and are more likely to fail high school or college.** 75% of 6th graders who miss more than 36 school days do not graduate high school on time.

The school recognizes students who have perfect attendance during our award assemblies. Our families are invited to celebrate at our trimester attendance assemblies.

Birthday Parties, Flowers, and Balloons

To help minimize the spread of Covid-19 and maintain the health of the students, all items must be pre-packaged foods. If a parent wants to celebrate a child's birthday, **the parent/guardian must arrange this with the teacher at least one week in advance.** The party is limited to one item such as a healthy snack and a drink. It will take place in the last fifteen minutes of the day. Balloons, party favors, etc. are not allowed at school as they can cause damage to our HVAC air conditioning/heating systems.

Emergency Plan

In the event of an emergency or natural disaster, the school has an Emergency Plan, which was created in cooperation with federal, state, and local emergency preparedness authorities. Should an emergency or natural disaster occur, students will be kept at school or in a district-designated site until they can be safely released to parents/guardians, an authorized person, or until the students can be dispersed to their homes in a safe manner. If there is an emergency, parents/guardians may pick up their student(s) from a designated place on campus, such as the field. The parent/guardian must sign the student out with the teacher on duty. The students will only be allowed to go with individuals listed on their emergency card.

Facilities

Luther Burbank School District follows all regulations addressed in the Healthy Schools Act (HSA). In an event where we need to complete integrated pest management (IPM) to keep our school pest-free, we will follow through with reduced-risk pesticide options first. School personnel will notify parents/guardians with an advanced warning on the possible application of pesticide treatment.

Independent Study

Independent study will only be granted for extended illness verified by physician's notes, bereavement, or in extraordinary circumstances may be allowed through a meeting with the principal. Short-Term Independent Study is an educational option for students who will be absent for three (3) to fourteen (14) instructional days. The Short-Term Independent Study option must be substantially equivalent in quality and quantity to classroom instruction CA Ed Code 51745(a)(3)

Interdistrict Transfers

California Education Code sections 46600–46610 permits, parents/guardians, to request an interdistrict transfer/reciprocal agreement. The fundamental basis for this provision is the signing of an agreement between districts. Interdistrict transfer/reciprocal agreement must be approved by both the student's original district of residence and the district to which the student seeks to transfer. Both districts must approve the agreement before it becomes valid. The agreement must be renewed yearly and may include terms or conditions. It is within the authority of either the home district or the receiving district to revoke an interdistrict transfer/reciprocal agreement at any time for any reason the local board or district

superintendent deems appropriate. If a request for an interdistrict transfer/reciprocal agreement is denied, the student's parents/guardians may file an appeal to the county office of education in the student's district of residence within 30 days of receipt of the official notice of denial of the transfer.

Lost Items

Please use a permanent marker to label your child's sweater and jacket. All the lost items will be kept in the Lost and Found for a week in the front office.

Parent/Guardian Involvement and Resources

Parents/guardians are expected to volunteer for a minimum of 15 hours per school year. The school has an array of parent involvement activities and events including:

- Complete 15 hours of school involvement including events such as PAN (Parent Academic Night), Parent-Teacher Conferences, Academic Nights, Classroom field trips, Parent Workshops, Cafecito, Los Dichos, or any schoolwide events, and volunteering events.
- Prior to volunteering in a classroom, parents must attend a volunteering session.
- Frequent parent workshops that allow an opportunity for parents to learn about important themes like supporting their children, college preparation, budgeting, adolescence etc.
- Parent/guardian education series on parenting skills and important topics
- A Family Resource Center that provides outreach programs.
- Parent/guardian volunteer opportunities to support classrooms (Please arrange with the teacher)

Truancy / Missing Instruction (Truancy & Absenteeism)

Compulsory attendance is the law in California from age 6 until the age of 18. (Education Code Section 48200) The Santa Clara County District Attorney's Office is dedicated to enforcing those laws that ensure that every student attend school regularly and can achieve academic and social success in school. A student who has three unexcused absences or three tardies or absences of more than 30 minutes, or any combination thereof, without a valid excuse is considered legally truant. A student who has five unexcused absences or five tardies or absences of more than 30 minutes, or any combination thereof, is considered habitually truant and may be referred to the District Attorney's Office for legal action. (Education Code Section 48262) The parent or guardian is obligated to compel the attendance of the student at school. Parents who fail to meet this obligation may be subject to prosecution. (Education Code Section 48260.5)

There is a loss of funding for our school every day a student is not in attendance. California law requires every person between the ages of 6-18 (Not otherwise exempted or excluded) to attend the full school day, *Education Code section 48200*. Parents/guardians of students violating the state's compulsory attendance laws are subject to prosecution *Education Code Section 48293*

Possible penalties for parents/guardians: Monetary fine of \$500.00, Parenting classes, for "chronic truancy" fine of \$2,000, and one year in jail. Contributing to the delinquency of a minor under the age of 18 years is considered a misdemeanor and punishable by law. In addition to imprisonment in a county jail for up to one

year, a parent/guardian may be fined up to \$2,500.00 and receive up to 5 years of probation (*Penal Code Section 272*).

Excused Absences

CA Education Code 48205, 46014 states that a student shall be excused when the absence is:

- The student is sick,
- A local health officer has issued a quarantine,
- The student has a medical, dental, vision, or chiropractic appointment (Must provide proof)
- So, the student can attend an immediate family member's funeral service,
- For jury duty with verification.
- The student is the custodial parent of a child who has a medical appointment or is sick,
- For justifiable personal reasons that have been approved by the school,
- To serve as a member of a precinct board for an election,
- To spend time with an immediate family member on active military duty,
- To go to the student's own naturalization ceremony and become a U.S. citizen, and
- At the discretion of the school administrator. (Must be a valid excuse)

Unexcused Absences

It should be noted that being tardy in any number of minutes beyond the bell is unacceptable and may result in loss of some school privileges or eligibility for attendance incentive recognitions. All other absences not referenced under California Ed Code 48205 are considered unexcused. Common unexcused absences include but are not limited to:

- Late more than 30 mins for 3 days
- Missing more than 30 mins of instructional time without a valid excuse
- Vacation / Outings
- Birthdays / Parties
- Visiting Relatives
- Oversleeping
- Childcare needs / No one to pick up the student
- Car Trouble

When a student has 3 unexcused absences, a letter will be mailed home informing them that the student has been classified as a truant. The school will request a meeting with the student and parent to agree on action steps. If continued, the parent/guardian will be referred to SARB

SARB Process Follows:

1st Letter of Truancy – The student is classified as truant

2nd Letter of Truancy – Meeting with Principal

3rd Letter of Truancy – Meeting with Superintendent

4th Letter of Truancy – Meeting with SARB team and District Attorney

5th Letter of Truancy – Case gets referred to District Attorney for prosecution

Education Code 48200 Students between the ages of 6 and 18 must attend school full-time, unless otherwise exempt.

Education Code 48260 A student is truant when he/she is absent from school without an excuse three full days in one school year or tardy or absent for more than any 30-minute period during the school day three times.

Education Code 48262 Definition of a habitual truant.

Education Code 48263 If any minor pupil in any district is a habitual truant or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to SARB.

Education Code 482635 SARB referral to a truancy mediation program.

Education Code 482636 Definition of a chronic truant.

Education Code 48292 & Penal Code 272 Parents are responsible to send their children to school or they will face charges in court.

Education Code 48293(a) A parent or guardian may be held responsible if a student does not follow the SARB contract.

Vehicle Code Section 132027 - Habitual Truant: Suspension or Delay of Driving Privilege -The court may revoke or delay the issuance of a driver's license to a student between the ages of 13 and 18 if he/ she is a habitual truant.

Vacations

The school calendar includes many long periods of school closure to accommodate family vacations and travel (3-week winter break and 2-week spring break). Vacations or travel for tourism or to visit family are **not a legitimate** cause for absence from school and will be constituted as unexcused absences. Please see Truancy / Missing Instruction for more details. Independent studies are not available for vacation.

Expectations for Students

Acceptable Network & Technology Use

Students may be provided access to school networks and technology equipment. Students must follow all school expectations, or these privileges may be rescinded.

- Students may only use networks and equipment for assigned instructional tasks only. Any "free time" will include specifically allowed activities.
- Students may only use first names or assigned usernames online. Identifying personal information such as last names or phone numbers should never be posted online.

Award Assemblies

The Luther Burbank School wants to teach students the value of an education, a hard work ethic, and positive character. We want to award students who demonstrate positive character qualities and take their education seriously, make good choices, and display positive citizenship. At the end of the trimester, students in grades K-8, are recognized for academic achievements, community service, citizenship, and perfect attendance.

Grades TK – 8th, We recognize students who display positive character qualities, and academic progress.

Grades 3rd – 8th, Students who receive a grade point average of 3.00 - 3.49 will be listed on the Honor Roll. Students who receive a grade point average of 3.50 - 4.00 will be listed on the Principal's List

Builder's Club

The Builder's Club is sponsored by the Kiwanis Club and meets on a weekly basis. They focus on leadership, character development, and service. This is a club for students in grades 6-8 and all are encouraged to participate.

Grounds for Suspension and Expulsion

Students may be suspended or expelled for the following acts which occur at any time, including, but not limited to, while on school grounds, while going to or coming from school, during or while going to or coming from a school-sponsored activity. (Education code 48900)

- 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 objects unless, in the case of possession of any such object of this type, the student had obtained written permission to possess the item from a certificated school employee with the principal or designee's concurrence.
- c. Unlawfully possessed, used, sold, furnished, or been under the influence of any controlled substance as defined in the Health and Safety Code 11053 et seq, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance defined in Health and Safety Code 11053 et seq, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as a controlled substance, alcoholic beverage, or intoxicant. This restriction shall not prohibit the student from using or possessing his/her own prescription products.
- e. Committed or attempted robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property.
- g. Stole or attempted to steal school property or private property.
- h. Possessed or used tobacco, or any products containing tobacco or nicotine products, including but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 110145 of the Health and Safety Code.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property* or private property.
- m. Possessed an imitation firearm so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- p. Any suspension or expulsion must be related to school activity or an incident that occurred on school grounds.
- q. A student who aids or abets to inflict or attempted affliction of physical injury. (As defined in Section 31 of the Penal Code.)

- r. The superintendent or principal may use their discretion to provide alternatives to suspension or expulsion.

Unless enrolled in kindergarten or grades 1 through 3, students are also subject to suspension or recommendation for expulsion for any of the acts listed below:

- a. Committed sexual harassment as defined in Education Code 48900.2.
- b. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233(e) (Education Code 48900.3). A pupil shall neither intimidate, oppress, threaten, nor deface property because of another person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.
- c. Intentionally harassed, threatened, or intimidated a student or school district personnel to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student or school personnel rights by creating an intimidating or hostile educational environment (Education Code 48900.4).
- d. A student may be recommended for expulsion for making a terroristic threat against school officials or property.

Homework Policy

Students are expected to read nightly and complete any assigned homework at the teacher's discretion.

Daily Reading Recommendations per grade: K - 2 25 minutes per day 3rd - 8th 35 minutes per day

Loss or Damage of School Property

EC Section 48904(a)(1) holds parents or guardians responsible for the cost of replacing a textbook that is **willfully** defaced or not returned: The parent or guardian of any minor...who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or private school, or personal property of any school employee, shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed ten thousand dollars (\$10,000). The parent or guardian shall also be liable for any reward not exceeding ten thousand dollars (\$10,000) paid pursuant to Section 53069.5 of the Government Code. The parent or guardian of a minor shall be liable to a school district or private school for all property belonging to the school district or private school loaned to the minor and not returned upon demand of an employee of the district or private school authorized to make the demand.

Thus, wear or damage to instructional materials through ordinary use, or from manufacturing defects, would not apply to California Education Code section 48904(a)(1) states that a parent or guardian of a minor is liable to a school district for all property loaned to and failed to be returned, or willfully damaged by a minor.

EC Section 48904(a)(1) holds parents or guardians responsible for the cost of replacing a textbook that is **willfully** defaced or not returned:

EC Section 48904 (b)(1) allows schools to withhold student grades, diploma(s), and transcripts

EC Section 60119(c)(1) defines sufficient textbooks or instructional materials

Probation & Promotion

To participate in the promotion ceremony, a student must meet the following criteria:

- Meet the District academic promotion criteria (Not be retained in 8th grade)

- Maintain a 2.0 GPA or higher

Students must meet academic and behavior requirements to participate in extracurricular school activities, including 8th-grade promotion. Grade-level teaching teams will provide expectations at least 4 weeks in advance of major events. Students not meeting expectations may be placed on probation in which they are given a specific deadline to meet expectations to regain eligibility for school activities. Students who fail to meet the terms of their probation will not be permitted to participate in school activities outside of daily instruction.

Schoolwide Behavior Expectations

Luther Burbank K-8	Learning Spaces	My Wellness Space	Eating Area	Recess & Playground	Restroom	Technology
L ive Respectfully	Challenge yourself	Monitor my feelings	Use good table manners	Show sportsmanship	Get in and get out quickly	Stay focused and work carefully
E mbrace Safety	Follow directions	Ask for help and help others	Wait to be dismissed	Play safely	Wash your hands	Stay on assigned app/website
A ct Responsibly	Be ready to learn	Use my calming strategies	Eat a healthy meal	Care for equipment	Wait your turn	Use devices appropriately
D isplay Kindness	Encourage others	Greet others	Be mindful	Include everyone	Keep area clean	Allow others around you to learn

Student Activities

Throughout the year, grade-level teachers will arrange for the students to go on a study trip. The students may travel by rented bus or on public transportation. Students must have their parents' permission to attend the study trip. Teachers will send notices about the study trip and a place for parents to give permission. If the trip is over lunch, the school will provide a sack lunch for each student. Students are required to wear their school uniform on the study trip, including field trip dates that coincide with free-dress days.

Teachers will ask for parent chaperones for the study trips. This is an excellent way for parents/guardians to spend a day helping in the child's class. Younger brothers or sisters are not allowed to attend the study trip.

Student Discipline

Academic success is enhanced by positive student conduct. Students are expected to concentrate on their studies and contribute to a positive classroom and school environment. If a student disrupts the learning environment of the classroom or school, the teacher will work with the student to learn to make better choices.

If a student continually makes poor choices, there will be a meeting with the parents, students, homeroom teacher, and principal. The student may be put on a Behavior Contract for the purpose of training the students to make good choices that promotes the learning environment of the school.

Most students will learn to make good choices and will obey the rules of the classroom and the school. For those few students who continue to make poor choices, the principal may assign recess detention, in-school suspension, or out-of-school suspension. Please see "Suspension and Expulsion" for more details.

All-Day Support Services

Accelerated Reading Program (AR) Grades 1-8th

Students at Luther Burbank use the library on a regular basis to choose books at their reading level and take a comprehension test on the book when they finish reading it. With each successful test, the students earn points toward their reading goal and see their names move across the chart on the library wall. When they reach 100% of their goal, the students receive a certificate and a prize. Students are motivated to read and to test themselves on their comprehension.

Extended Learning Program

The Extended Learning Program provides a safe, and structured environment for students to get homework support and participate in academic enrichment activities. The program is offered to students from grades Transitional Kinder to eighth grade. The program begins right after school until 5:00 PM every day. Please contact Mrs. Villarreal, Program Coordinator for student services, at: yvillarreal@lbsdk8.org

Breakfast and Lunch

Luther Burbank School provides free breakfast and free lunch for all students. All parents must fill out an application for Free and Reduced Meals each year, regardless of if they qualify or not. Information on the form is confidential.

Our cafeteria staff works hard to provide nutritious food for our students. For breakfast, students are required to take milk or juice and the entrée. Breakfast will begin service from 7:15 to 7:45. Students who missed out on morning breakfast may have an opportunity for a second breakfast during their grade level recess time. For lunch, students are required to take milk, an entrée, and a fruit or vegetable. Students may bring a lunch from home to eat in the eating area at lunchtime. Lunches brought from home need to be healthy. Do not pack sodas, sugary drinks, candy, desserts, or fast food for your students.

The school receives funding for the free breakfast and lunch by the number of students who are served each day. It is very important for students to take the food each day.

Staff supervise student meals but are not available to open packaging or cut fruit for students - students should practice opening and preparing their own meals.

Contagious Diseases and Infections

If a child comes to school with a contagious disease, such as chickenpox or measles, the child will be sent home and an exposure letter will be given to the parents of the student's classmates explaining the contagious disease

ELD (English Language Development)

Our English Language Learners (ELL) receive leveled ELD instruction daily. The teachers chart the progress of ELL students using the California Standards for English Language Development (ELD). The students, parents, and teachers can see the student's progress in acquiring the English language and can see what they need to do to become more proficient. All the English language learners are tested once a year with the English Language Proficiency Assessments for California (ELPAC) and the results are used to assist the teacher in developing a program for each student. Students' ELPAC results are posted on Aeries and available for parents to review through the Aeries parent portal as soon as they become available annually.

Head Lice

If a student is discovered with head lice, the student will be sent home immediately with instructions on how to get rid of head lice. Siblings and the student's classmates will be checked for head lice. Parents cannot opt-out of these lice checks due to possible outbreaks. A notice will be sent home when a student is suspected of being exposed to lice. Parents of students with head lice must follow the recommended procedures. The student must be checked by office personnel before returning to school and will be allowed to go to class if no live or dead nits are found. The school will conduct periodically lice clinic dates to screen for lice in all students. If you would like your child to be opted out of the scheduled lice clinics, please provide a written notice to the front office.

Health Insurance

It is important for all students to be covered by health insurance. Low-cost or no-cost insurance is available to all children living in California. Please call 408-961-9893 for information on Medi-Cal, Healthy Kids, and Healthy Families insurance. Parents/Guardians may also drop by our Family Resource Center, and they will assist you with applying for these medical insurance programs.

Health Screenings

Periodically through the year, the school partners with staff and external agencies to provide free health screenings for all students. These screenings may check for hearing, vision, dental, scoliosis spinal concerns,

and head lice. Families may opt-out of any or all screenings if desired by completing a form with the school office or in the student's online record. *California Education Code (EC) Section 49452.8, EC sections 49452 and 49455, EC Section 49452*

Immunizations

California State law mandates that children complete required immunizations prior to registering in school. Beginning January 1, 2021, all-new medical exemptions for school and childcare entry must be issued through CAIR-ME. Medical exemptions can only be issued by MDs or DOs licensed in California and must meet applicable Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), and American Academy of Pediatrics (AAP) criteria. Students Admitted at TK/K-12 Need:

- Diphtheria, Tetanus, and Pertussis (DTaP, DTP, Tdap, or Td) – 5 doses
- Polio (OPV or IPV) – 4 doses (3 doses OK if one was given on or after 4th birthday)
- Hepatitis B – 3 doses (not required for 7th grade entry)
- Measles, Mumps, and Rubella (MMR) – 2 doses (Both given on or after 1st birthday)
- Varicella (Chickenpox) – 2 doses

Students Starting 7th Grade Need:

- Tetanus, Diphtheria, Pertussis (Tdap) – 1 dose (Whooping cough booster is usually given at 11 years and up)
- Varicella (Chickenpox) – 2 doses (Usually given at ages 12 months and 4-6 years)

To request a medical exemption for your child, the first step is to register for a CAIR-ME account at <https://cair.cdph.ca.gov/exemptions/home>. Next, log in to your account and complete the required fields to request an exemption. The site will give you a Medical Exemption Request Number to give to your child's doctor. The doctor can register for an account in CAIR-ME, login, search for the medical exemption request number or your child's name, enter the required information, and issue the exemption. The doctor will give you a copy of the two-page medical exemption form for you to take to your child's school or childcare facility.

Information Technology

Having all our students proficient in the use of information technology is a goal of our school. Here is an overview of the use of information technology:

- All students use school-assigned information technology equipment (laptops, desktops, tablets) at least four times a week.
- Classroom computers are used by the students when they take a test on a book, they read for the Accelerated Reading program.
- All students use i-Ready to reinforce their math and/or language arts skills through individualized programs on the computer.
- Middle school students use computers for research, publishing, and computer skills building.
- Third through eighth grade have rolling Chromebook carts that are used in the classrooms. All classrooms are equipped with smartboards, teacher laptops, and document cameras.

EC Section 48904(a)(1) Holds parents accountable if any school proper damage is done.

Medical Concerns

Minor injuries, such as small cuts, bumps, or bruises, will be taken care of at school, and the parent will be notified. In the event of serious injury, the students will be transported to the nearest medical facility O'Connor Hospital or Santa Clara Valley Medical Center. A school employee will accompany any transported child until a parent arrives.

It is critical and the parent/guardian's responsibility to keep the school informed of any medical issues concerning your student. List all medical conditions on the emergency card and call the school if there are medical concerns that arise during the school year.

Medical Information

It is **mandatory and urgent** that you complete the child's emergency card and return it to the school promptly. If any information or phone numbers change during the school year, please contact the school office with the new information. The child will be released to only the people listed on the emergency card.

If your child is ill or has an injury, it is very important that the school contact the parents or a relative. Please keep the school informed of any changes in the information on the emergency card. We request a minimum of 3 contact numbers.

Medications

California Education Code Section 49423 prohibits medication from being carried by students. Students are not to have any medication, pills, aspirin, or cough drops in their possession. All medication must be turned in to the office and be accompanied by a Medical Authorization form.

Medication should be administered at home whenever possible. When necessary and approved, children can take medicine or treatments prescribed by a physician while at school under the watch of a designated staff member. Medication should be brought to the school by the parent in the original prescription bottle and labeled by the pharmacy. Pharmacists can provide two labeled prescription bottles so that one may come to school, and one kept at home with the medication split between them.

Please note that school personnel cannot administer treatments such as cough drops, antibiotic ointment, lotion, sunscreen, hand sanitizer, ChapStick without your consent. Please indicate your consent on the medical authorization form and share it with our front office at your earliest convenience. School staff will not administer treatment not deemed medically necessary. Please provide a medical note signed by a doctor to authorize any required treatment.

Programs for Student Success

Every class has a designated library time students are encouraged to read every day for a minimum of 30 minutes for primary grades and 45 minutes for all other grades. All students will participate in our

Accelerated Reader Program and will be required to take computerized comprehension tests on the books they have read. Your child's teacher will set goals for the classroom that your child will be required to meet.

Whooping Cough Vaccination Information

Students are required to show proof of immunization with pertussis (whooping cough) vaccine booster called tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine (Tdap). Please note that 7th graders are required 1 dose of Tdap if at least 5 years have passed since the last dose of the tetanus-containing vaccine.

Student Protections

Anti-Bullying Policy

The Luther Burbank School District believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote mutual respect, tolerance, and acceptance.

The Luther Burbank School District will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate, harass, or bully another student through words or actions. Such behavior includes direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation.

The Luther Burbank School District expects students and/or staff to immediately report incidents of bullying to the administration. Staff who witness such acts take immediate steps to intervene when safe to do so. Each complaint of bullying will be promptly investigated. This policy applies to students 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.

To ensure bullying does not occur on school campuses, the Luther Burbank School District will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment.

Teachers will discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

The Student Code of Conduct includes, but is not limited to:

- Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.
- Students are expected to immediately report incidents of bullying to the principal or designee.
- Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.

- If the student or the parent/guardian feels that an appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal or the Office of Student Services.
- The school system prohibits retaliatory behavior against any individual or participant in the complaint process.

The procedures for intervening in bullying behavior include, but are not limited to the following:

- All staff, students, and their parents will receive a summary of this policy prohibiting intimidation and bullying: at the beginning of the school year, as part of the student handbook and/or information packet, as part of new student orientation, and as part of the school system's notification to parents.
- The school will make reasonable efforts to keep a report of bullying and the results of the investigation confidential.

Staff who witness acts of bullying shall take immediate steps to intervene when safe to do so. People witnessing or experiencing bullying are strongly encouraged to report the incident; such reporting will not reflect on the target or witnesses in any way.

Employee Code of Conduct with Students

The most important responsibility of the Luther Burbank School District is the safety of our students. All employees, as well as all individuals who work with or have contact with students, are reminded that they must be mindful of the fine line drawn between being sensitive to and supportive of students and a possible or perceived breach of responsible, ethical behavior.

While the District encourages the cultivation of positive relationships with students, employees and all individuals who work with or have contact with students are expected to use good judgment and are cautioned to avoid situations including, but not limited to, the following:

1. Meeting individually with a student behind closed doors, regardless of gender.
2. Remaining on campus with a student(s) after the last administrator leaves the school site. (There are exceptions, such as teachers rehearsing with students for a drama/music activity or coaching students for athletics, with the approval of the site administrator in advance.)
3. Engaging in any behaviors, either directly or indirectly with a student(s) or in the presence of a student(s), that is unprofessional, unethical, illegal, immoral, or exploitative.
4. Giving student(s) gifts, rewards, or incentives that are not school-related and for which it is directly or implicitly suggested that a student(s) is (are) to say or do something in return.
5. Making statements or comments, either directly or in the presence of a student(s), which are not age-appropriate, professional, or which may be considered sexual in nature, harassing, or demeaning.
6. Touching or having physical contact with a student(s) that is not age-appropriate or within the scope of the employee's/individual's responsibilities and/or duties.
7. Transporting student(s) in a personal vehicle without proper written administrator and parent authorization forms on file in advance.
8. Taking or accompanying student(s) off-campus for activities other than a District-approved school journey or field trip.

9. Meeting with or being in the company of student(s) off-campus, except in school-authorized and/or approved activities.
10. Communicating with the student(s), in writing, by phone/Email/electronically, via the Internet, or in person, at any time, for purposes that are not specifically school-related.
11. Calling student(s) at home or on their cell phone, except for specific school-related purposes and/or situations.
12. Providing student(s) with a personal home/cell telephone number, personal Email address, home address, or other personal contact information, except for specific school-related purposes and/or situations.

Even though the intent of the employee/individual may be purely professional, those who engage in any of the above behavior(s), either directly or indirectly with a student(s) or in the presence of a student(s), are subjecting themselves to all possible perceptions of impropriety.

Employees/individuals are advised that, when allegations of inappropriate conduct or behavior are made, the district is obligated to investigate the allegations and, if warranted, take appropriate administrative and/or disciplinary action.

Homeless

The term homeless children and youth means individuals who lack a fixed, regular, and adequate nighttime residence. This definition also includes:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Children who may be living in motels, hotels, trailer parks, shelters, or awaiting foster care placement
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or migratory children who qualify as homeless because they are children who are living in similar circumstances listed above.

Homeless Rights

If you and your family can't find or afford housing on your own, ^{live} on the street; live in an abandoned building, trailer, or a building with inadequate accommodations (these conditions may include lack of electricity, plumbing, or running water); or live in a shelter, motel, vehicle, or campground.

The McKinney-Vento Homeless Education Assistance Act provides certain protections. You or your children have the right to:

- Go to school, no matter where you live or how long you have lived there.
- Continue to go to the school you /your children were attending before becoming homeless, or the school last attended, if that is your preference and it is feasible.
- Receive transportation to the school you /your children attended before becoming homeless, or the school last attended, if you, a parent/guardian ask the school for this transportation.

- Go to school and attend school programs with students who are not homeless.
- Enroll in school without giving a permanent address.
- Enroll in school and attend classes while the school arranges for needed educational and medical records.
- Enroll and attend classes in the school of your choice even while the school and you resolve differences over which school you/your children will attend.
- Receive the same special programs and services given to all other students.
- Receive transportation to school and to school programs.
- Ask the school district's homeless liaison for help in getting food, clothing, and school supplies.

You or your children may be able to receive:

- Free school lunch
- Free schoolbooks and supplies
- Free bus tickets (tokens)
- Transportation to school programs
- Other benefits

Please contact the district's homeless liaison Ms. Diana Benavides @ dbenadives@lbsdk8.org

Disabilities

Section 504 of the Rehabilitation Act of 1993

It is the intent of the district to provide a free and appropriate education for every student. The goal is achieved through the provision of services designed to meet the educational needs of students identified as having a disability as adequately as those of non-disabled students.

Section 504 policies and procedures may be obtained from the principal. Parents/guardians may request a 504-team meeting to examine the educational services provided to their students.

Sexual Harassment (Education Code 48900.2)

It is the intent of Luther Burbank School district to maintain an academic environment that protects individual dignity, promotes the mutual respect of all people, and prohibits sexual harassment. Sexual harassment is defined as what an average person of the same gender would view as offensive in any of the following circumstances:

- unwanted or unwelcome sexual advances or propositions.
- any request for a sexual favor.
- any verbal, physical, or visual conduct which is sexually oriented, offensive, or which creates an intimidating, hostile environment.
- any sexual slur, threat, derogatory comment, or sexually degrading description.
- any sexual joke, story, drawing, object, picture, or gesture.

- any touching of a person's body or clothes in a sexual way.
- any purposeful cornering or blocking of normal movements.
- any limiting a student's access to educational tools; and any spreading of sexual rumors.

Whenever a student feels that any of these kinds of behaviors has occurred, he/she should immediately notify any school staff member of the problem or incident so that it can be investigated as soon as possible. The principal or designee will investigate in a way that respects the privacy of all parties to the extent of the law. At the conclusion of the investigation, the principal will issue a report to all parties concerned and to the Superintendent. Reports of harassment complaints will be kept by the school and the district in a file separate from the student files.

It is important to note:

- Any student who engages in the sexual harassment of anyone at school or at a school-related activity shall be subject to disciplinary action up to and including expulsion.
- Any student who engages in false accusations of sexual harassment of anyone at school or at a school-related activity shall be subject to disciplinary action up to and including expulsion.
- The district and the law prohibit retaliatory behavior against any person filing a complaint or any participant in the complaint process.

All parties involved in the investigation of a harassment complaint shall keep information confidential and not discuss the matter outside the investigation process. In resolving the situation no negative consequences will be imposed upon the victim.

Animals on Campus

In a continued effort of the Luther Burbank School District to provide a safe working and learning environment, Luther Burbank School District will not permit animal(s), insect(s) or reptile(s) on school property and/or facilities by students, employees, faculty or visitors unless the animal meets service animal guidelines.

Drug-Free / Gang Free

To ensure that ALL students have the right to attend a school that is safe and secure, Luther Burbank School District is a Drug-Free/Gang Free district zone. The district maintains a strict policy that prohibits drug sales, use, or possession.

This includes alcohol, tobacco, and marijuana.

No gang-related behavior will be tolerated in or about the school. Students who identify themselves as gang members through dress, colors, signing, or other gang-related behavior will be referred to the principal for disciplinary actions.

The principal will call the sheriff on non-students who loiter on or about the school campus, and who exhibit gang symbolism or behavior.

Policy of Nondiscrimination

The Luther Burbank School District is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. The district prohibits discrimination and harassment based on an individual's sex (including sexual orientation or gender identity, pregnancy, childbirth, or related medical condition); ethnicity (such as race, color, national origin, and ancestry); religion (including religious accommodation); disability (mental or physical disability or reasonable accommodation); age; marital status; or any other basis protected by federal, state, local law, ordinance, or regulation. Harassment based on any of the above-protected categories is a form of unlawful discrimination and will not be tolerated by the district. Harassment is intimidation or abusive behavior toward a student or employee that creates a hostile environment and that can result in disciplinary action against the offending student or employee. Harassing conduct may take many forms, including verbal remarks and name-calling, graphic and written statements, or conduct that is physically threatening or humiliating.

This nondiscrimination policy covers admission or access to, or treatment or employment in, District programs and activities. The lack of English language skills will not be a barrier to admission to or participation in District programs or activities.

Additional information prohibiting other forms of unlawful discrimination or harassment, inappropriate behavior, and/or hate crimes may be found in the Board Policies and Administrative Rules policies that are in the Board section of the district's website. It is the intent of the district that all such policies are read consistently to provide the highest level of protection from unlawful discrimination in the provision of educational services and opportunities.

The district prohibits retaliation against anyone who files a complaint or who participates in a complaint investigation.

For inquiries or complaints related to discrimination or harassment based on a student's

- sex, (Title IX);
- sexual orientation or gender identity (Title 5. CCR. 4901);
- race, color, or national origin (Title VI);
- mental or physical disability (Section 504); or employee-to-employee discrimination or harassment.

Tobacco-Free Policy

The Board of Education always prohibits the use of tobacco products on district property, including vape pens, e-cigarettes, and other nicotine delivery systems. This prohibition applies to all employees, students, visitors and other persons at any school, school-sponsored activity, athletic event and applies to any meeting on any property owned, leased, or rented by/or from the district. Community members who smoke on district property shall be informed of the district's tobacco-free policy and asked to refrain from smoking. If the person fails to comply with this request, the following actions may take place:

- I. The matter may be referred to the superintendent or designee responsible for the event.

2. The designee may direct him/her to leave the school property.
3. If necessary, the superintendent or designee may request local law enforcement assistance in removing the person from school premises; and
4. When individuals repeatedly violate the tobacco-free school policy, the superintendent or designee may prohibit them from entering district property for a specific period.

School Board Policies

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Bullying Policy

The Board of Trustees recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

(cf. ~~5131~~ Conduct)

(cf. ~~5136~~ Gangs)

(cf. ~~5145.3~~ Nondiscrimination/Harassment)

(cf. ~~5145.7~~ Sexual Harassment)

(cf. ~~5145.9~~ Hate-Motivated Behavior)

Cyberbullying includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. ~~5145.2~~ Freedom of Speech/Expression)

Strategies for addressing bullying in district schools shall be developed with the involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school [plans](#).

(cf. ~~0420~~ School Plans/Site [Councils](#))

(cf.†0450†- Comprehensive [Safety](#) Plan)

(cf.†0460†- Local Control and Accounta**bi**lity Plan)

(cf.†1220†- Citizen Adviso**ry** Committees)

(cf.†1400†- Relations Between Other Governmental Agencies [and](#) the Schools)

(cf.†6020†- Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf.†1020†- Youth Services)

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of the district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

(cf.†5137†- Positive School Climate)

As appropriate, the district shall provide students with instruction in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf.†61428†- Comprehensive Health Education)

(cf.†614294†- History-Social Science Instruction)

(cf.†61634†- Student Use of Technology)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

(cf.†4131†- Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

Complaints and Investigation

Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf.†13123†- Uniform Complaint Procedures)

Any student, parent/guardian, or other individuals who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, and whether a uniform complaint is filed. Within two

business days of receiving a report of bullying, the principal shall notify a district compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether the alleged victim files a complaint.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employees so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Crisis Communications Plan

During a disturbance or crisis, the priority of school staff is to assure the safety of students and staff. However, the Board recognizes the need to provide timely and accurate information to parents/guardians and the community during a crisis. The Board also recognizes that the media have an important role to play in relaying this information to the public. To help ensure that the media and district work together effectively, the Superintendent or designee shall develop a crisis communications plan to identify communication strategies to be taken in the event of a crisis.

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3516](#) - Emergencies and Disaster Preparedness Plan)

The crisis communications plan may include but not be limited to the identification of a media center location, the development of both internal and external notification systems, and strategies for press conference logistics.

The Superintendent or designee shall include local law enforcement and media representatives in the crisis planning process.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention, and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance [with](#) district policies and regulations.

Dress and Grooming

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction that would interfere with the educational process.

(cf. [411922](#) - Dress and Grooming)

(cf. [51452](#) - Freedom of Speech/Expression)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. [5144](#) - Discipline)

Gang-Related Apparel

The Superintendent, staff, and parents/guardians may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [5136](#) - Gangs)

Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal or designee. (Education Code 35186; 5 CCR 4680)

Homeless Rights

The Board of Trustees desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

Homeless students shall not be segregated into a separate program based on their status as homeless and shall not be stigmatized in any way.

(cf. [3553](#) - Free and Reduced Price Meals)

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

(cf. [51113](#) - Residency for Homeless Children)

Transportation

The district shall provide transportation for a homeless student to and from school when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries but continues to attend the district school, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC [11432](#))

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

Legal Reference:

EDUCATION CODE

[1980-1986](#) County community schools

[2558.2](#) Use of revenue limits to determine average daily attendance of homeless children

[39807.5](#) Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

[11431-11435](#) McKinney-Vento Homeless Assistance Act

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004

Policy LUTHER BURBANK SCHOOL DISTRICT

adopted: February 21, 2012 San Jose, California

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code ~~†~~234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. ~~†~~61642-† Guidance/Counseling Services)

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable period of time not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685) Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. (Education Code 35186; 5 CCR 4680, 4685)

Media Communications Plan

To help develop strong relations with the media, the Superintendent or designee shall develop a proactive media communications plan. This plan may include, but not be limited to, information related to district programs and needs, student awards, school accomplishments and events of special interest.

(cf. [0510](#) - School Accountability Report Card)

(cf. [1100](#) - Communication with the Public)

(cf. [1160](#) - Political Processes)

The plan shall specify the district's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Board president, Superintendent, and public information officer. Other Board members and staff may be asked by the Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue.

The Superintendent or designee shall provide training on effective media relations to all designated spokespersons.

(cf. [9240](#) - Board Development)

Media Relations

The Board of Trustees respects the public's right to information and recognizes that the media significantly influence the community's understanding of school programs. In order to develop and maintain positive media relations, the Board and the Superintendent desire to reasonably accommodate media requests for information and to provide accurate, reliable, and timely information.

Media representatives are welcome at all Board meetings and shall receive meeting agendas upon request in accordance with Board policy.

(cf. [9322](#) - Agenda/Meeting Materials)

Media representatives, like all other visitors, shall register immediately upon entering any school building or grounds when school is in session.

(cf. [1250](#) - Visitors/Outsiders)

(cf. [35152](#) - Disruptions)

Staff may provide the media with student directory information, including, but not limited to, the name of a student, grade level, honors, and activities, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release information that is private or confidential as required by law, Board policy or administrative regulation. No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.

(cf. [1340](#) - Access to District Records)

(cf. [411923/421923/431923](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5125](#) - Student Records)

(cf. [51251](#) - Release of Directory Information)

(cf. [9010](#) - Public Statements)

(cf. [93211](#) - Closed Session Actions and Reports)

Interviewing and Photographing Students

The district shall not impose restraints on students' right to speak freely with media representatives at those times which do not disrupt a student's educational program. However, interviews of students may not create substantial disorder or impinge on the rights of others. Therefore, to minimize possible disruption,

media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

(cf. [51452](#) - Freedom of Speech/Expression)

To protect the privacy and safety of students, a media representative who wishes to photograph students on school grounds should first plan with the principal or designee.

When interviewing or photographing a special education student, he/she shall not be identified as a special education student without prior, written parent/guardian permission.

Parental Involvement

The Board of Trustees 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.

(cf. [0420](#) - School Plans/Site Councils)

(cf. [04201](#) - School-Based Program Coordination)

(cf. 05201 - High Priority Schools Grant Program)

(cf. 05202 - Title I Program Improvement Schools)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [1230](#) - School-Connected Organizations)

(cf. [1240](#) - Volunteer Assistance)

(cf. [1250](#) - Visitors/Outsiders)

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.

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [51456](#) - Parental Notifications)

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.

(cf. [0500](#) - Accountability)

Title I Schools

Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code [11503](#))

(cf. [6171](#) - Title I Programs)

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians. Those strategies shall establish expectations for

parent involvement and describe how the district will carry out each activity listed in 20 USC [6318](#). (20 USC [6318](#))

The Superintendent or designee shall consult with parents/guardians in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC [6318](#))

(cf. [3100](#) - Budget)

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies 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 will address the purposes and goals described in Education Code [11502](#). (Education Code [11504](#))

Legal Reference:

EDUCATION CODE

[11500-11506](#) Programs to encourage parent involvement

[48985](#) Notices in languages other than English

[51101](#) Parent rights and responsibilities

[64001](#) Single plan for student achievement

Sexual Harassment

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

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

(cf. [4030](#) - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation

2. Publicizing and disseminating the district's sexual harassment policy to staff

(cf. [41129/42129/43129](#) - Employee Notifications)

3. Ensuring prompt, thorough, and fair investigation of complaints

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR [4964](#))

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor or the Superintendent.

A supervisor or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

Any district employee who engages or participates in sexual harassment or who aids abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Sexual Harassment by Students

The Board of Trustees is committed to maintaining an educational environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students by other students, employees, or other persons, at school or school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in district complaint processes.

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

(cf. [13123](#) - Uniform Complaint Procedures)

(cf. [411911/421911/431911](#) - Sexual Harassment)

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and 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
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

(cf. [51315](#) - Vandalism and Graffiti)

(cf. [5137](#) - Positive School Climate)

(cf. [51453](#) - Nondiscrimination/Harassment)

(cf. [61421](#) - Sexual Health and HIV/AIDS Prevention Instruction)

Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulations.

(cf. [13121](#) - Complaints Concerning District Employees)

(cf. [51414](#) - Child Abuse Prevention and Reporting)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulations. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-8, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be considered.

(cf. [5131](#) - Conduct)

(cf. [51441](#) - Suspension and Expulsion/Due Process)

(cf. [51442](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR [4964](#))

(cf. [411923/421923/431923](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5125](#) - Student Records)

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 the school.

WEB SITES

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/index.html>

Uniforms

To promote student safety and discourage theft, peer rivalry, and/or gang activity, the Superintendent, staff, and parents/guardians may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If the school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code [35183](#))

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE

[32281](#) School safety plans

[35183](#) School dress codes; uniforms

[351835](#) Sun-protective clothing

[48907](#) Student exercise of free expression

[49066](#) Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

[302](#) Pupils to be neat and clean on entering school

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Uniform Complaint Procedures

The Board of Trustees recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race 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](#), Penal Code [42255](#), or Government Code [11135](#), or based on 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. [4030](#) - Nondiscrimination in Employment)

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

(cf. 51312 - Bullying)

(cf. [51453](#) - Nondiscrimination/Harassment)

(cf. [51457](#) - Sexual Harassment)

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [13121](#) - Complaints Concerning District Employees)

(cf. [13122](#) - Complaints Concerning Instructional Materials)

(cf. [3260](#) - Fees and Charges)

(cf. [3320](#) - Claims and Actions Against the District)

(cf. [3553](#) - Free and Reduced Price Meals)
(cf. [3555](#) - Nutrition Program Compliance)
(cf. [51414](#) - Child Abuse Prevention and Reporting)
(cf. [5148](#) - Child Care and Development)
(cf. [6159](#) - Individualized Education Program)
(cf. [6171](#) - Title I Programs)
(cf. [6174](#) - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with the uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

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>

Uniform Complaint Procedures (Part 2)

The Board of Trustees recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610) The following procedures shall be followed:

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of the alleged noncompliance by the district. (5 CCR 4630) A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630) The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint. The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below, within 60 days of the district's receipt of the complaint. (5 CCR 4631)

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and the complainant's language whenever feasible or as required by law. If an employee is disciplined because of the complaint, the decision shall simply state that effective action was taken, and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Williams Uniform Complaint Procedures

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR 4681, 4682, 4683)

- I. Textbooks and instructional materials
 - a. 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.
 - b. A pupil does not have access to textbooks or instructional materials to use at home or after school.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
2. Teacher vacancy or misassignment
 - a. A semester begins, and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Facilities
 - a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff.
 - b. A school restroom has not been cleaned, maintained, or kept open by Education Code 35292.5.

IMPORTANT SCHOOL INFORMATION



Luther Burbank School

School & District Address: 4 Wabash Ave. San José, CA 95128

School Phone # (408) 295-1814 • **District Phone #** (408) 295-2450 • **Fax:** (408) 295-3168

School Mascot: Bear

School Colors: Elementary = Hunter Green/White Middle School = Navy Blue / Gold

District Office

Edith Mourtos, **Superintendent**

Rudy Avalos, **CBO**

Lupe Ruiz, **Office Manager**

School Office

Tri Nguyen Ed.D., **School Principal**

Ysenia Villarreal, **Coordinator of Instructional Support Services**

Dominga Ramirez, **Data Records Management Technician**

School Hours

Monday, Tuesday Thursday & Friday 8:00 - 3:00pm

Wednesday 8:00 - 12:00 noon

After School Program Hours:

Monday, Tuesday Thursday & Friday 3:00 - 5:00pm

Wednesday 12:00 - 5:00pm

Board of Trustees:

Jeffrey Buchanana • Norma Castañeda • Mark Lemucchi • Vince Robinson • Jesus Salazar