



ONLINE HELP BOOK

Office of the General Counsel

Revised August 2018

Welcome to the Office of General Counsel’s online HELP Book. The HELP Book which stands for “*Handbook: Emergency Legal Procedures*” was first published in 1973 and revised in 1986 to provide administrators and school staff with a legal resource guide. The Office of General Counsel is updating the online HELP Book as a supplemental guide to our services. It provides a general overview of pertinent laws and LAUSD policies and procedures to assist schools in addressing issues that may arise in the operation and delivery of instruction. This guide focuses on the most frequently asked questions our office receives from school sites and does not attempt to encompass the large gamut of legal issues a school district may face. Given the dynamic nature of laws, this guide is not intended to cover all education-related laws and court decisions. Accordingly, LAUSD bulletins and policies should be referenced and consistently checked for updates specific guidance in dealing with legal issues. This is a living document and will be updated with relevant information as needed.

The information in this online HELP Book will serve as a guide for schools as administrators provide leadership and frame discussions. It is not intended to serve as a substitute for legal counsel. Schools confronting legal problems should always seek the advice of the Office of General Counsel. You may reach the Office of the General Counsel at (213) 241-7600.

Sincerely,

David Holmquist
General Counsel
Los Angeles Unified School District

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ATTENDANCE

[Education Code Section 48200](#) states that each person between the ages of 6 and 18 years of age, unless exempt, is subject to compulsory full-time education. Each person subject to compulsory full-time education and who does not qualify for an exemption shall attend the public full-time day school or continuation school or classes. Full time is the length of the school day designated by the governing board of the school district.

Student Absences

When a student is absent for part or all of the day, the parent is required to provide, in person or by note, an explanation for the student's absence. A student's absence from school is only excused when the absence is due to any of the following:

- Illness or injury of pupil
- Quarantine
- Medical, dental, optometric, or chiropractic services
- Attending the funeral of an immediate family member e.g., mother, father, grandmother, grandfather, brother, sister, or any relative living in the immediate household of the student (one day within the state, three days outside the state)
- Jury duty
- Illness or medical treatment of a child of whom the student is the custodial parent
 - Spending time with an immediate family member who is an active military duty in combat zone or combat support (maximum three days)
- Serving as a member of a precinct board for an election pursuant to Elections Code section 12302
- Attending the pupil's naturalization ceremony to become a United States citizen
- Justifiable Personal Reasons, which means that the pupil's absence has been requested in writing by the parent and approved by the principal or designee. Absences that fall into this category include, but are not limited to:
 - Appearance in court
 - Attendance at a funeral service (extended days)
 - Attendance at a religious retreat (shall not exceed four hours per semester)
 - Entertainment industry work with valid work permit (no more than five consecutive days or a maximum of five absences per school year)
 - Medical exclusion or exemption
 - Observance of religious or cultural holiday, ceremony, or secular historical remembrance
 - Religious instruction (attend a minimum school day no more than four days per school month)
 - Revoked suspension through appeals procedure
 - Participation in not-for-profit performing arts organization (maximum five days per school year)
 - Pre-arranged mental health services (Mental Health Day Treatment)
 - Take Your Daughters and Sons to Work Day

Upon receiving appropriate verification that an absence occurred due to one of the reasons listed above, the school will consider the absence to be excused. A pupil absent from school for the above excused reasons shall be allowed to complete all assignments and tests missed during the absence that can reasonably be provided and, upon satisfactory completion, shall be given full credit. The teacher of any class from which a pupil is absent shall determine what assignments the pupil shall make up and in what period of time the pupil shall complete such assignments. The tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

Truancies

A student is considered truant if the student is:

- Absent from school without a valid excuse three full days in one school year; or
- Tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year; or
- Any combination thereof ([Education Code Section 48260](#)).

Under [Education Code Section 48260.5](#), upon the student's initial classification as a truant, the school site administrator must provide written notification to the student's parent or guardian regarding his or her child's truancy. The notification must state that:

- The student is truant;
- The parent or guardian is obligated to compel the student's attendance at school;
- The parent or guardian who fails to meet this obligation may be subject to prosecution;
- That alternative educational programs are available in the District;
- The parent or guardian has the right to meet with school personnel to discuss solutions to the student's truancy;
- The student may be subject to prosecution;
- The student may be subject to suspension, restriction, or delay of the student's driving privileges;
- A recommendation that the parent or guardian accompany the student to school and attend classes with the student for one day.

An automated truancy letter will be mailed to notify parents/guardians of students between the ages of 6 and 18 years when their child has accumulated three or more unexcused absences, early leaves and/or tardies of 30 minutes or more in the school year for which a valid excuse was not provided.

School Attendance Review Board

Any pupil who is deemed a habitual truant or is irregular in attendance in school or is habitually insubordinate or disorderly during attendance at school may be referred to a School Attendance Review Board (SARB) following appropriate interventions, in accordance with law and District policy. The SARB Representative will send a notice to parents/guardians, informing them of the date, time and location of the SARB Hearing. The notice shall indicate that the pupil and parents or guardians of the pupil will be required to meet with the School Attendance Review Board. [[Education Code Section 48263](#)].

In the event that any parent, guardian, student, or other person continually and willfully fails to respond to directives of the SARB or services provided, the SARB may contact the district attorney to notify the parents or guardians of each pupil concerned, that they may be subject to prosecution [[Education Code Section 48263.5](#)].

The District partners with the Los Angeles County Office of the District Attorney and the Los Angeles Office of the City Attorney to provide support to truant students and their families.

District policy and procedures regarding truancy may be found in [BUL-4926.2 Attendance Manual: Policy and Procedures for Elementary, Secondary and Option Schools](#). There are several interventions prior to referral to SARB which are outlined in this bulletin. District policy requires each school to have a formal written attendance plan.

Release of Students from School

In general, District policy precludes students from leaving school premises during the school day except in the case of an emergency or with prior authorization from a parent, guardian or the school principal (Board Rule 2122.)

BULLYING AND HAZING POLICY

LAUSD is committed to providing a safe and civil learning and working environment. The District takes a strong position against bullying, hazing, or any behavior that infringes on the safety and well-being of students and employees, or interferes with learning or teaching. The District prohibits retaliatory behavior against anyone who files a complaint or who participates in the complaint investigation process.

All students and staff of public primary, elementary, middle, and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful [Article 1, Section 28(c) of the California State Constitution]. The bullying and hazing policy, written in accordance with Federal guidelines and California Education Code, requires that all schools and all personnel promote respect and acceptance.

LAUSD's policy applies to all persons within the District's jurisdiction: it encompasses behaviors and actions that occur among students, District employees, and associated adults. The policy is applicable in schools, at school and District-related programs, activities and events, traveling to and from school, and all other areas of the District's jurisdiction.

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

- Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Cyberbullying is an act of bullying conducted via electronic communication technology (e.g., texts, e-mails, blogs, postings) and has or can be reasonably predicted to have the effect of one or more of the above-listed impacts. A person who engages in cyberbullying at school or school-related activities and events may be subject to disciplinary action. Cyberbullying that occurs off-campus but substantially disrupts the instructional environment of the school may fall under District jurisdiction.

Hazing means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of student discipline, “hazing” does not include athletic events or school-sanctioned events. *Sexting* or cyber sexual bullying means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act. For purposes of student discipline, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Once posted, a student has no control over the use of their image. The posting and sharing of sexual images of minors could also be considered child pornography or child abuse. As such, additional reporting requirements may apply. Participants could be subject to disciplinary and/or criminal action.

Schools should ensure that all reports of bullying or hazing are investigated and documented and that appropriate interventions are implemented and monitored. Parents and students are encouraged to put their concerns in writing and work with their school site administration and/or Title IX/Bullying Complaint Manager who will facilitate an investigation into the allegation and work with the parties involved to reach resolution.

Document using MiSiS and iSTAR the monitoring that has transpired within 30 days and a resolution within 60 days. For more information or assistance, contact your local district office. The Office of Human Relations, Diversity & Equity is also available for resources and consultation at (213) 241-8719. For allegations of bullying that can also be considered discrimination/ harassment, contact the Educational Equity Compliance Office, (213) 241-7682.

CELLULAR TELEPHONES

[Education Code section 48901.5](#) permits “the governing board of each school district, or its designee, to regulate the possession of any electronic signaling device that operates thorough the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of school districts while pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees.”

It is District policy to prohibit the use of cellular phones or any electronic signaling device by students on campus during normal school hours or school activities. Students are permitted to possess cellular phones, pagers, or electronic signaling devices on campus provided that any such device shall remain turned off and stored in a locker, backpack, purse, pocket, or other place where it is not visible during normal school hours. Students are permitted to use cellular phones, pagers, or electronic signaling devices on campus before and after school or during school activities that occur outside of school hours. Students must comply anytime a request is made by school personnel to cease the use of a cellular telephone, pager or other signaling device even before or after school. Schools may adopt more stringent cellular phone policies through the School Site Council.

For District, state and national assessments, students are prohibited access to any unauthorized electronic devices at any time during the entire testing session.

Cell phone use on the school bus is for emergency purposes only; driver authorization is required.

The District is not responsible for lost or stolen cellular telephones or other personal items of value such as cameras, electronic games, radios/MP3 players, computing devices, tablets, etc.

Refer to [BUL-5468.0 Use of Cellular Telephones and Other Electronic Devices by Students](#) for additional guidelines.

CHALLENGES TO PUPIL RECORD INFORMATION

Inspection of Pupil Records

The inspection/review of pupil records will be during regular school hours and will be arranged at a time mutually convenient to the parent (or student, when applicable) and the school official. A District certificated employee must be present to assist and act as custodian of the file. When a pupil record of one student includes information concerning other students, the parent (or student, when applicable) who wishes to inspect and review the record is only allowed to review information related to his or her child.

If the parent (or student, when applicable) requests a copy of the whole or any part of a pupil record, the copy will be provided. The school or the Local District may charge a copy fee of 25 cents (\$.25) for the first page and 10 cents (\$.10) for each additional page requested.

Challenging Content of Pupil Records

For all pupil records other than grades, [Education Code Section 49070](#) provides that a parent (or former student) may challenge the content of such pupil records by filing a written request to remove or correct any recorded information that is:

- Inaccurate
- An unsubstantiated personal conclusion or inference
- A conclusion or inference outside of the observer’s area of competence
- Not based on the personal observation of a named person with the time and place of the observation noted
- Misleading
- In violation of the privacy or other rights of the student

The parent may challenge the content of such records by first meeting with the school principal. If the principal sustains the parent's challenge, the record will be corrected or removed. If the school principal does not sustain the parent’s challenge, the parent may appeal. Appeals from a school principal's adverse decision are to be made first to the Local District Superintendent, and then if necessary, to the Board of Education. The Local District Superintendent and the Board of Education may choose to convene an impartial panel to conduct an inquiry into the subject of the challenge. If the panel sustains the parent’s challenge, the correction, removal or destruction of material challenged will be made. If the parent’s challenge is ultimately denied, the parent has a right to provide written statement of his or her objection to the information. This statement becomes a part of the student’s school record unless and until such time as the information objected to is changed or removed.

Please refer to [BUL-2433 Challenging the Content of a Pupil Record](#) for additional guidelines.

Grade Appeals

Under [Education Code Section 49066](#), parents have a right to request a change of a pupil’s grade on the following grounds:

- Mistake
- Fraud
- Bad faith; and/or
- Incompetency in assigning the grade

When grades are earned for any course of instruction taught in the public schools, the grade earned by each pupil shall be the grade determined by the teacher of the course. In the absence of any of the grounds listed above, the grade shall be final.

Any request for a grade change must first be made with the classroom teacher within 30 days of the date the grade report was mailed. The next step, if not resolved with the teacher, is a written request to the principal. If not resolved, the decision may be appealed to the Local District and finally to the Division of Instruction. At each step, the parent has the right to present information in support of the request. Please refer to [BUL-1926.2 Requests to Change a Pupil Grade](#).

Records or information maintained by any school official exclusively for personal reference or use and which are not available to any other person, except his or her substitute, are not pupil records available for inspection, review, or challenge by the parent or adult pupil.

Upon the written request by a school in which the student seeks to or intends to enroll, education records of the student will be forwarded to that school.

SUSPECTED CHILD ABUSE AND NEGLECT

Suspected Child Abuse and Neglect Reporting Requirements

The California Child Abuse and Neglect Reporting Act (“Act”) mandates the reporting of suspected child abuse or neglect. All District employees are mandated reporters. School volunteers are not mandated reporters but are encouraged to speak to an administrator promptly regarding any misconduct. For purposes of this Act, a “child” is defined as any person under the age of 18. (Students age 18 or older are not reportable as victims under this Act, but administrators must take action to address misconduct involving any student. Students age 18 or older may fall within dependent adult abuse reporting requirements. See [BUL-2449.0 Dependent/Elder Adult Abuse and Neglect Reporting](#)).

“Child abuse or neglect” includes physical abuse, sexual abuse, neglect (negligent treatment or maltreatment of a child which indicates harm or threatened harm to the child’s health or welfare by acts or omissions), willful cruelty, unlawful corporal punishment, and mental suffering or endangerment to a child’s emotional well-being. If a District employee has knowledge of, or observes a child whom he or she knows or reasonably suspects has been the victim of child abuse or neglect, the employee must:

- Follow the detailed procedures contained [BUL-1347.3, Child Abuse and Neglect Reporting Requirements](#).
- Immediately, or as soon as possible, telephone the appropriate law enforcement or child protective agency; [i.e., local police or sheriff’s department or Department of Children and Family Services, (DCFS)]; Los Angeles School Police Department and school security officers are *not* child protective agencies and are not authorized to receive SCARS; and
- Prepare and send a written report to the appropriate law enforcement agency or DCFS within 36 hours of receiving information about the child.
- Do NOT investigate the matter unless the law enforcement or child protective agency tells you that you may investigate.

If the suspected abuse or neglect involves an employee, the administrator must also complete an ISTAR report and notify the Local District of the alleged employee misconduct. The name of the person who made the report must be kept confidential.

Interviews Regarding Child Abuse at School by Outside Agencies

A representative of a child protective services agency, such as the Department of Children and Family Services or a local law enforcement agency (not school police), may interview a student during school hours on school premises if the student is a victim of suspected child abuse or neglect. School administrators should follow the procedures set forth below when a representative of a government agency requests to interview a student suspected to be a victim of child abuse:

- The child protective services representative must provide the principal or principal’s designee with appropriate identification credentials, and must state the reason for the interview;

- If the representative confirms the interview is part of a child abuse or neglect investigation, then the principal or principal's designee may allow the interview to take place. If this is not the reason for the interview, other procedures may apply.
- Prior to the commencement of the interview, the child protective services representative must give the student the option of being interviewed privately or of requesting any adult member of the school staff to be present during the interview. The staff member is not obligated to be present, but if s/he is present, the staff member should not ask questions during the interview and is legally required to maintain the confidentiality of all information disclosed during the interview. Accordingly, that information may not be shared with the child's parents.

CONFIDENTIALITY OF STUDENT RECORDS

Authorized Access and Disclosable Information

The Family Educational Rights and Privacy Act ("FERPA") governs access and confidentiality of student records. Parents/legal guardians/educational rights holders have an absolute right to access the student records of their child. They may also authorize, in writing, third parties to access their child's student records. In addition, FERPA permits the disclosure of Personally Identifiable Information (PII) from students' education records without consent of the parent or eligible student under certain circumstances listed below.

FERPA regulations require the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student:

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. [§99.31(a)(1)]
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. [§99.31(a)(2)]
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their

authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. [§99.31(a)(3) and 99.35]

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. [§99.31(a)(4)]
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. [§99.31(a)(5)]
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. [§99.31(a)(6)]
- To accrediting organizations to carry out their accrediting functions. [§99.31(a)(7)]
- To parents of an eligible student if the student is a dependent for IRS tax purposes. [§99.31(a)(8)]
- To comply with a judicial order or lawfully issued subpoena. [§99.31(a)(9)]
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. [§99.31(a)(10)]
- Information the school has designated as "directory information" under §99.37 if the parent has not opted out. [§99.31(a)(11)]

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. The primary purpose of directory information is to allow the school or school district to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production
 - The annual yearbook
 - Honor roll or other recognition lists; and
 - Graduation programs
- (See Directory Information discussion below)
- Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

- In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information: names, addresses and telephone listings, unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

For a more detailed discussion of access to pupil records, refer to [BUL-6887 Pupil Records: Access, Confidentiality, and Notice of Educational Rights](#) or contact the Office of the General Counsel.

Directory Information

Parents who do not want a school or the District to disclose any or all of the types of information designated below as directory information from their child's education record, without prior written consent, must notify the school by using the Information Release Form in the [Parent/Student Handbook](#).

Any and all of the following items of directory information relating to a pupil may be released to a designated recipient unless a written request is on file to withhold its release as indicated in the Information Release Form submitted to the school:

- Name
- Address
- Date of birth
- Dates of attendance (e.g., by academic year or semester)
- Current and most previous school(s) attended
- Degrees and awards received

The recipients designated by the District to receive directory information are listed in the Information Release Form. The recipients are as follows: Elected Officials, LA County Department of Children and Family Services, L.A. County Department of Health Related Services, L.A. County Department of Mental Health, L.A. County Department of Probation, LAUSD School-Based Health Care providers, LA Trust for Children's Health, and Parent Teacher Student Association. For 11th and 12th grade students, parents or guardians may also opt out of releasing name, address, and telephone number to the United States Armed Forces Military Recruiting agencies, colleges, universities or other institutions of higher education, and the National Student Clearinghouse.

In addition, under California Education Code Section 49073, parents/guardians or eligible pupils must provide consent for the release of directory information of students who are eligible for services under the McKinney-Vento Homeless Education Assistance Act. Absent such consent, the directory information concerning the student will not be released.

Pursuant to Education Code 69432.9, all grade 12 students will be deemed Cal Grant applicants, unless the students opt out. For seniors who have not opted out, school districts are required to submit their grade point averages (GPAs) to the California Student Aid Commission (CSAC) for the purpose of determining Cal Grant eligibility and making appropriate financial aid awards for college. Without the GPA information verified by the school district, CSAC will not be able to determine the Cal Grant

eligibility. Seniors who are 18 years of age or parents/guardians of seniors under 18 years of age may opt out of being automatically deemed a Cal Grant applicant. To opt out, parents or adult students must complete the Information Release Form and return it to the school by the specified deadline.

FERPA affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

Amend Educational Records

The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. (See discussion under [Challenges to Pupil Records](#)).

FERPA Violation Complaints

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school or school district to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Inspection and Review

Parents/legal guardians/educational rights holders have the right to inspect and review the student's education records within 5 business days after the day the school receives a request for access. Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected if copies are not provided.

In general, parents have an absolute right of access to pupil records.

- a. If parents are divorced or legally separated, only the parent having legal custody of the pupil may challenge the content of a record, offer a written response to a record, or consent to release records to others, provided, however, that either parent may grant consent if both parents have notified, in writing, the school or school district that such an agreement has been made.
- b. In limited circumstances, marks, transcripts and diplomas may be withheld from parents or adult students. Where a student has failed to return loaned school property or willfully damaged school property, the parent and student must be notified of the unreturned or damaged property. The parent and student shall be offered an opportunity to return the property, pay for the damage or, in lieu of payment, the student may perform community service. If these efforts fail, the school may notify the parent/student that the school will withhold the marks, transcript, and diploma of

the student from the parent and student until the issue is resolved. The parent/student has a right to appeal this decision. Please see Bulletin No. 5509.1 for more detailed procedures.

c. Under Family Code section 3025, “Notwithstanding any other provision of law, access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to a parent because that parent is not the child’s custodial parent.”

Written Consent for Disclosure

Parents/legal guardians/educational rights holders have the right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

CONTRACTING AND PROCUREMENT

Under state law, the District must enter into contracts with vendors to purchase or lease goods and obtain services. Contracts are given various titles (e.g. purchase order, memorandum of understanding, invoice, professional services agreement, etc.) Regardless of the title, however, contracts are used by the District and its vendors (and, if necessary the courts) to establish their legal rights and responsibilities. Therefore, it is critical that the District’s contracts be legally enforceable, comply with State law, and contain provisions that clearly describe the District’s rights and obligations and protect the District’s legal interests.

Only the Board can authorize or ratify contracts for purchases of property, supplies, equipment, and professional services and leases of property and equipment. ([Education Code Section 17604.](#)) State law allows the Board to delegate its authority to contract to District employees and administrators. ([Education Code Sections 17605](#), [17606](#), and [35161.](#)) Generally, however, contracts signed by District employee’s or administrators are not legally enforceable by or against the District unless the contracts are within an employee’s or administrator’s delegated authority and the Board authorizes or ratifies the contracts. District employees and administrators who enter into purchase contracts or leases outside of their delegated authority face personal liability and discipline. ([Education Code sections 17604](#) and [17605](#)).

Administrators receiving unsolicited or solicited advertisements, proposals or visits from potential vendors should not sign any documents before the administrators have established that they have delegated authority to sign the document and that the District’s legal interests are protected. Administrators should contact the Procurement Services Group or the Office of General Counsel for assistance early in the development of contracts.

DONATIONS AND FUNDRAISING

Donations

The rules relating to donations and fundraising, among other things, protect administrators and employees from claims of misappropriation of public funds and students from being charged unauthorized pupil fees. [Bulletin BUL-5895.1, Donations](#), sets forth the policies and procedures for handling both monetary and in-kind donations, such as donations of artworks, antiques or other valuables. Donations should always be accompanied with a receipt signed by the donor. When accepting equipment, a machine or an appliance, you should make sure it is working safely before using it at the school site. While schools are encouraged to partner with outside groups to bring much-needed additional resources to the school community, school administrators must keep in mind some basic legal principles: (1) Schools must ensure equity on campus; a lack of equity may result in claims of civil rights violations; and (2) Students may not be charged fees to participate in school-sponsored activities; ensure messages around requests for donations are clear that donations are voluntary and the choice to donate will not impact a student’s participation.

Fundraising

Schools are permitted to raise funds; however, they must do so in a way that does not violate California constitutional language requiring that the state (and by extension, the District) provide children with a “free” public education and Education Code sections 49010 and following, which prohibit public schools from charging students unauthorized fees. The District has established guidelines governing the way fundraising may take place. The guidelines differ depending on who is doing the fundraising—the schools, or student body or parent organizations. Publication Nos. 464 and 465, Student Body Policies and Accounting Procedures (for elementary and secondary schools, respectively), set forth the policies and procedures for fundraising conducted by student body organizations.

[BUL-1633.2, Policies Governing School Fund-Raising Activities of PTAs, PTOs, and Booster Clubs](#), sets forth the procedures schools must follow when receiving money through fundraising efforts or from charitable contributions.

- **Schools**

Schools are permitted to hold charitable fundraising for projects “initiated by the faculty and students [which] serve an educational objective.” (Board Rule 1255). Schools wishing to hold this kind of fundraising campaign must obtain approval from their local district superintendents before starting the fundraising. (Board Rule 1256) in addition to other approvals that may be required pursuant to BUL-1633.1 and Publication No. 464 or 465 (as appropriate). Participation in the fundraising project must be voluntary; that is, it must be clear to parents, employees, students and others that they may participate in the fundraising project, but that they are not required to do so.

▪ **Student Body Organizations/Approved Parent Groups**

Student body organizations or approved parent groups (including parent-teacher associations) may also conduct fundraisers. Contributions by students, parents and employees must be entirely voluntary. Students must submit parent consent in writing in order to participate. Elementary school students are not permitted to solicit on the street or door-to-door. Secondary students under 16 may not solicit on the street or door-to-door unless accompanied by an adult. Student body organization fundraisers on school property during school hours may not interfere with the normal conduct of the schools.

In addition to the above, these rules apply to food sales:

- Elementary schools – Food items may only be sold four (4) days per year and only after lunch. The items may consist only of dessert items not sold through the food service program at that school during that school day.
- Secondary schools – Student stores may only sell candy, popcorn and nuts during school hours. Student body and parent organizations may only sell food items four (4) days per year. The items sold cannot be the same as the items sold by the District in its food service program that day.

Further questions regarding fundraising activities and charitable contributions should be addressed to your local district superintendent, the District Business Services Branch, or to the Office of the General Counsel.

DRESS CODES & UNIFORM POLICIES

Schools may adopt dress codes that are reasonably related to the health and safety of students. School dress codes and uniform policies must be implemented in a manner consistent with the rights set forth in the First Amendment of the United States Constitution and Section 2 of Article 1 of the California Constitution. The California legislature has determined that gang apparel is hazardous to the health and safety of the school environment, and therefore, the wearing of such apparel may be restricted. All dress codes must be gender neutral; students cannot be disciplined or prevented from wearing attire that is commonly associated with the other gender. Please refer to [BUL-6494.1 Student Dress Code/Uniforms](#) for District guidelines.

Dress Codes

All students shall be required to show proper attention to personal cleanliness, health, neatness, safety and suitability of clothing and appearance for school activities. In every case the dress and grooming of the student shall be clean and shall not:

- Cause actual distraction from or disturbance in any school activity or actually interfere with the participation of a student in any school activity
- Create a hazard to the safety of him/herself or others
- Create a health hazard

Uniforms

California [Education Code Section 35183](#) allows a governing board to adopt a uniform policy that authorizes schools to establish a school uniform. Some schools, in conjunction with their school-site councils, have elected to adopt their own student uniform policies. Any uniform policy implemented by schools must be voluntary. Parents must be advised of their right to opt out of the school's uniform policy. Students whose parents choose not to participate in a uniform program may not be disciplined, discriminated against, or otherwise denied rights and privileges available to other students. Moreover, AB1575 (prohibition against pupil fees) likely prohibits schools from requiring parents to purchase specific school uniforms (e.g., t-shirts, polo shirts, or sweaters with school logo). The school uniform can specify colors. District policy, BUL 6494.1, Student Dress Codes/Uniforms, establishes a general dress code, which must be followed in the absence of a school uniform policy or if a student opts out of the school uniform. .

ENROLLMENT

All children who reside within the boundaries of the Los Angeles Unified School District, including undocumented and/or unaccompanied students, are entitled to a free public education. School personnel cannot deny enrollment to any child residing within the District's boundaries. The failure to enroll a child can result in a lawsuit against the District and possibly against the administrator denying the enrollment. Under certain circumstances the failure to enroll a child is also a violation of state and federal civil rights statutes.

Under California law, all students between the ages of six and eighteen years who are not exempt must attend school. ([Education Code Section 48200](#)).

The following are exemptions:

- Children attending private schools ([Education Code Section 48222](#));
- Children receiving instruction by a private tutor who possesses a valid state credential ([Education Code Section 48224](#));
- Children holding valid work permits to work temporarily in the entertainment industry ([Education Code Section 48225](#));
- Children enrolled in independent study programs ([Education Code Section 51745](#)).

The legal obligations to enroll children falls on the parents. The District's responsibility is to enroll children residing within its boundaries whose parents request enrollment. Under Education Code section 48290, the District must investigate complaints of failure to enroll.

District policy requires that all children be enrolled in the school whose attendance area includes the child's residence, unless enrollment options such as magnet schools, intra-district permits, or other specialized programs are selected. District policy and procedures regarding registration and attendance may be found in [BUL-4926.2](#). District policy requires each school to have a formal written attendance plan. LAUSD is both a traditional school system and a choice-based system, which means any student can choose to attend their neighborhood school of residence or apply to schools of choice that offer specialized programs within the District. Parents or legal guardians may be referred to the following LA Unified websites for information on choice programs:

<http://apply.lausd.net>
<http://echoices.lausd.net/>

Permits and Student Transfers

Each school principal and the designated administrator in each local district will provide information concerning permits and transfers to students, parents, and the community. Any person requesting a permit or transfer will be provided with the opportunity to apply for one.

The school or district that denies, cancels, or revokes a permit request will inform parents/guardians of appeal procedures. Falsified information or a change in criteria necessary to obtain or maintain a permit may be grounds for immediate denial or revocation of a permit.

Permit procedures information is available online at <http://studentpermits.lausd.net> and through the Pupil Services Office of Permits and Student Transfers at (213) 241-5255.

▪ **Inter-District Permits**

Inter-District permits may be issued to students transferring into or out of the LAUSD. All inter-District permits must be processed through the Pupil Services Office of Permits and Student Transfers. School officials cannot grant, deny or revoke inter-District permits. An LAUSD permit application must be completed on-line at <http://studentpermits.lausd.net>. An application must be submitted within the designated application period. Also refer to [BUL-5341.2 Inter-district Permits \(District to District\) and Student Transfers in Elementary and Secondary Schools](#).

The OUTGOING inter-District permit application period for the following school year is from February 1st to April 30th each year for all students. Parent employment will be the only type of outgoing permit application accepted beyond that date.

The INCOMING inter-District permit application period begins on February 1st for the following school year. Each application will be reviewed on its own merit. All outgoing inter-District permit applications must be completed electronically; no paper applications will be accepted.

The District will consider OUTGOING inter-District permit requests for:

- Parent Employment
- Specialized Comprehensive Program
- Continuing Enrollment for High School Students 10th -12th Grade
- Sibling
- Exception

The District will consider INCOMING inter-District permit requests for:

- Child Care
- Parent-Employment
- Continuing Enrollment
- Senior Status
- Specialized Programs

- Sibling
- Exception

- **Intra-District Permits**

Intra-District permits (school to school within LAUSD) are not online and are processed in person at the school of residence and requested schools. Intra-District permits are appealed through the Local District Administrator of Operations. Intra-District permits authorize the transfer of students from the LAUSD school of residence to another LAUSD school. Paper applications and procedures for intra-District permits may be obtained at any LAUSD school. These transfers are initiated by parent/guardian request. Permits to transfer may be issued based on one or more of the following reasons:

- Child Care
- Parent Employment
- Continuing Enrollment
- Senior Status
- Safety and Protection
- Specialized Program
- Sibling
- Exception

Intra-District Permits will only be granted if the applicant is eligible and if administrators from both the school of residence and requested school approve the request. These permits do not carry transportation privileges. Please refer to [BUL-5347.1](#), Intra-district (school to school) Permits and Student Transfers in Elementary and Secondary Schools, for additional guidelines.

Registration

School personnel must enroll all children residing within a school's attendance boundaries unless the school lacks capacity. The enrollment process involves the registration of the student at the school site. The registration process includes:

- Verifying the child's age by reviewing the age-verification documents provided by the parent or legal guardian;
- Determining the child's grade level;
- Verifying that the student resides within the attendance boundaries of the school; and
- Determining whether the child qualifies for special enrollment status, if applicable.

The general rule is that a child must attend a school in the area where his or her parent resides ("School of Residence") ([Education Code Section 48200](#)). In a case involving divorced, legally separated or unmarried parents living apart, the student may attend the school in the residence area of either parent. Dual enrollment is strictly prohibited and there may only be one residence of record [[Government Code Section 244\(b\)](#)]. Schools have the right and obligation to verify residency. In situations where the parents/guardians are not able to provide documentation to verify residency at the time of enrollment, the affidavit to verify residency will be utilized. The parents/guardians will have 30 days from the date of

enrollment to provide the residency documentation, unless another exception applies, such as families experiencing homelessness.

As part of the registration process, school personnel must verify the student’s home address. School personnel may do so by reviewing one of the following documents, pursuant to [Education Code section 48204.1](#):

- A school district shall accept from the parent or legal guardian of a pupil reasonable evidence that the pupil meets the residency requirements for school attendance in the school district as set forth in Sections 48200 and 48204. Reasonable evidence of residency for a pupil living with his or her parent or legal guardian shall be established by documentation showing the name and address of the parent or legal guardian within the school district, including, but not limited to, any of the following documentation:
- Property tax payment receipts.
- Rental property contract, lease, or payment receipts.
- Utility service contract, statement, or payment receipts.
- Pay stubs.
- Voter registration.
- Correspondence from a government agency.
- Declaration of residency executed by the parent or legal guardian of a pupil.

Education Code section 48204.1 further provides that nothing in this section shall be construed to require a parent or legal guardian of a pupil to show all of the items of documentation listed.

Names

A parent or legal guardian may request registration of a child under a name and/or gender that differs from that appearing in the documentary proof (e.g. a birth certificate) or existing school records.

▪ Change of name and/or gender procedure

A natural parent or legal guardian may register a student under a different name and/or gender from that appearing on the documentary proof of age (e.g. a birth certificate) or school records, by completing an “Affidavit for Change of Name of Minor” form. See also [BUL-5703.2](#). This is considered an unofficial name change and only applies to District records. It does not substitute for official name change proceedings under law.

▪ Legal change of name and/or gender

When the name and/or gender of a student is changed by court proceedings (e.g., by adoption or change of name proceedings), the new name and/or gender is the name and gender of the student for all future purposes, including, but not limited to, school registration. A parent or legal guardian must provide a court order that changes the student’s legal name and/or gender before school records can be changed. Please refer to [District Bulletin No. 5703.2, Name and/or Gender of Pupils for Purposes of School Record](#), for specific guidance on the District’s procedures.

When a student’s name and/or gender is changed, either by affidavit (as of September 1, 2018), or by court order, the school may not delete the original name and/or gender from its records. Rather, the school may record and use the new name and/or gender from the date of the change, forward and should cross-reference the former name and/or gender with the new name and/or gender in its files.

Emergency Cards

California law requires that a parent or guardian provide student emergency information to the school. ([Education Code Section 49408](#)) A school site administrator must have a student emergency card for each of his or her students. The student emergency card must include the name, address and telephone number of a relative or friend who is authorized to care for the student in any emergency situation if the parent or guardian cannot be reached.

The person named on the emergency card is authorized to remove the child from school only in an emergency. In the event a relative or friend named on the emergency card wishes to remove a student from school, and an emergency situation does not exist, then school personnel must not release the student unless the parent or guardian has given prior authorization. (*Board Rule 1205*) Student emergency cards are “pupil records” that must be maintained in accordance with the law pertaining to the privacy of pupil records. ([Education Code Section 49073](#) et seq.)

Enrollment of Undocumented Students

Undocumented children have a right to receive a free K-12 public education. In 1982, the United States Supreme Court decided *Plyler v. Doe*, a case challenging a Texas law barring undocumented students from public education. The Court ruled that states must provide undocumented schoolchildren “the free public education that [they] offer to other children.” The Court reasoned that denying undocumented students’ access to education “imposes a lifetime hardship on a discrete class of children not accountable for their disabling status . . . [and] foreclose[s] any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.” (*Plyler v. Doe*, 457 U.S. 202, 230 (1981). The Court rested in part on its finding that many undocumented students would remain in the United States as adults, making the country’s investment in them necessary to the goal of “prepar[ing] individuals to be self-reliant and self-sufficient participants in society.” (*Id.*, at 222.) The rationale of *Plyler* arguably extends to provision of educational services to students including free and reduced meals and other programs to ensure that all students receive an adequate education.

Schools should not inquire about immigration status to determine if a student is a resident of the district. Student’s immigration status is not related to residency for purposes of enrollment. There are many ways of establishing residency. In 2014, the U.S. Departments of Justice and Education issued a guidance detailing the types of documentation that can legally be required for enrollment in public school. The Guidance specifically advised that schools may not inquire about a student’s or parent’s citizenship or immigration status as proof of residency; refuse to enroll a student who does not provide a social security number or request a social security number from a parent; or prevent or discourage a child from enrolling because he does not have a birth certificate or has a foreign birth certificate. (See Letter from Catherine E. Lhamon et al., U.S. Dep’t of Justice & U.S. Dep’t of Educ. (May. 8, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>; Fact Sheet: Information on the Rights of All Children to Enroll in School, U.S. Dep’t. of Justice & U.S. Dep’t of Educ.,

<http://www.justice.gov/crt/about/edu/documents/plylerfact.pdf>; Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, U.S. Dep’t. of Justice & U.S. Dep’t of Educ. (May 8, 2014),
<http://www.justice.gov/crt/about/edu/documents/plylerqa.pdf>.

In addition, [Education Code section 234.7\(a\)](#) states: “Except as required by state or federal law or as required to administer a state or federally supported educational program, school officials and employees of a local educational agency shall not collect information or documents regarding citizenship or immigration status of pupils or their family members.” The California Attorney General’s Office’s *Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues*, and District policy, REF-6767.2, *LAUSD Campuses as Safe Zones and Resource Centers*, further clarify procedures if federal immigration officials request information or access to a school site.

Homeless Students

The McKinney-Vento Homeless Assistance Act for homeless children and youth entitles all homeless school aged children to a free, appropriate public education. Accordingly, schools are required to remove barriers to their enrollment, attendance and success in school. Consequently, schools must ensure homeless students attend the school of origin, if feasible, when the student is displaced from his or her residence.

All school districts and county offices of education must designate an appropriate staff person as a liaison for homeless children/youth. Liaisons will be responsible for ensuring identification, enrollment, attendance, and success of students in homeless situations by linking students and their families to school and community services. For further information, please call Pupil Services or Office of the General Counsel. See [BUL-1570.2 Enrollment/Support of Homeless Children and Youth in Schools](#)

Foster Youth

Children supervised by the Department of Children and Family Services or Department of Probation and placed in licensed foster homes, group homes, with relative caretakers, or residing with biological parent(s) have special enrollment provisions. [Education Code section 48853.5](#) mandates that students in foster care must be immediately enrolled in school regardless of the availability of school records, immunization records, school uniforms, or the existence of fines from a previous school. Educators, school personnel, social workers, probation officers, caregivers, and other interested parties shall all work together to serve the educational needs of students living in out-of-home care.

Education Code section 48853.5 allows youth in foster care to attend their school of origin and, if applicable, matriculate to the secondary school in the same attendance area when the child is placed with a family who resides in a different attendance area. The school district serving the student in foster care shall allow the youth to continue his or her education in the school of origin for the duration of the jurisdiction of the court. If the jurisdiction of the court is terminated prior to the end of an academic year, the student in foster care shall be allowed to continue his or her education in the school of origin for the duration of the academic school year.

[Education Code section 51225.1](#) provides certain graduation exemptions for students in foster care or students involved in the juvenile justice system who transfer between schools any time after the

completion of their second year of high school (using either the number of credits earned or length of time of enrollment, whichever will make a student eligible). Students in foster care or students involved in the juvenile justice system who meet these criterion, may be exempt from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements, unless the school district finds that the student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of his or her fourth year of high school. If the school district determines that a student residing in foster care or a student involved in the juvenile justice system is reasonably able to complete the school district's graduation requirements within the student's fifth year of high school, the school district must permit the student to stay in high school for a fifth year to complete the graduation requirements. Once a student is found eligible for this exemption, his/her eligibility continues even if the student's foster care or probation case closes or the student is transferred to another school. It is unlawful for a school, student, educational rights holder, social worker, or probation officer to request or require a school transfer for the purpose of making a student eligible for an exemption from local requirements.

Parents, guardians, foster caregivers, social workers and/or probation officers should notify the school district as soon as they become aware that a child is changing school placements so that school records can be transferred in a timely manner. For further information regarding school-related foster care concerns, see [Foster Youth Legislation and Support](#) and also contact the Pupil Services Foster Youth Achievement Program at (213) 241-3552.

EMPLOYEE HARASSMENT OR DISCRIMINATION

It is the LAUSD's policy to provide equal employment opportunities to all qualified persons. LAUSD does not discriminate against its employees or applicants for employment in any way based upon an individual's race, sex, gender, religion, national origin, ancestry, sexual orientation, gender identity, gender expression, color, physical or mental disability, marital status, pregnancy, age (40-plus), medical condition (e.g. cancer-related), genetic information, military and veteran status, or on any other basis prohibited by federal, state, or local laws or regulations. [[Government Code section 12940.](#)] It is the intent of the LAUSD that equal opportunities will be provided in employment, promotions, wages, benefits and all other privileges, terms and conditions of employment.

All personnel actions, such as recruiting, selection and placement, training, benefits, promotions and upgrading, transfers, layoffs, suspensions, termination, social and recreational programs are applicable to all persons on a non-discriminatory basis. Any questions regarding any of the above should be discussed in detail with your supervisor, or a Human Resources representative.

Employee Responsibility

Upon witnessing an act of discrimination, harassment, intimidation and/or bullying based on actual or perceived characteristics of a protected category (as enumerated above), school personnel are required to take immediate steps to intervene when it is safe to do so. Reporting such conduct to an administrator or Title IX/Bullying Complaint Manager can be an appropriate intervention. Once a school or office has notice of discriminatory, harassing, intimidating and/or bullying conduct, whether carried out by employees, students, or third parties, it should take immediate and appropriate steps to

investigate or otherwise determine what occurred. School personnel are to take prompt and effective steps reasonably calculated to end the conduct, eliminate a hostile environment, if one has been created, and prevent the conduct from occurring again. These steps should be taken whether or not an individual makes a complaint or asks the school or office to take action. This policy applies to all acts related to school activity or school attendance within any school or office under the jurisdiction of the Superintendent of the Los Angeles Unified School District.

All employees shall cooperate with the District's efforts to eliminate and prevent discrimination/sexual harassment/bullying by maintaining a working and learning environment free that is from such unlawful discrimination. Consequently, District employees must:

- Not take any action to discourage a victim of harassment or discrimination from reporting such an incident.
- Cooperate in the investigation of discrimination, harassment, intimidation and/or bullying complaints by providing any information that he/she might personally possess concerning the complaint being investigated.
- Guard against any actions that would be considered retaliatory against another employee or student who has filed a discrimination, harassment, intimidation and/or bullying complaint or who is participating in an investigation of such a complaint.

Responding to Complaints

Complaints of discrimination, harassment, intimidation and/or bullying are often sensitive, complex and difficult to handle. Described below are an informal and a formal process for responding to such a complaint. A more detailed description is found in the [Bulletin No. 6612.0 Nondiscrimination and Anti-Harassment](#) (including sexual harassment policy). An employee/complainant should never be forced to confront the accused person unless the employee/complainant consents and reprisal or intimidation is unlikely.

Informal Process

An employee may discuss his or her complaint with the school's administrator or designee to attempt to resolve his or her complaint without delay. The administrator or designee should first explain the formal and informal procedure available to resolve complaint. Next, the administrator or designee should provide the employee with copy of District's discrimination, harassment, intimidation and/or bullying Policy as appropriate. The following action should then be taken:

- Treat all allegations of discrimination, harassment, intimidation and/or bullying seriously and investigate them promptly in a way that respects the privacy of all the parties to the greatest extent possible.
- Interview everyone involved including witnesses and request written statements. Any oral report of discrimination, harassment, intimidation and/or bullying is considered a complaint and must be addressed.
- Document all known incidents of discrimination, harassment, intimidation and/or bullying.
- Follow up and verify with the complainant that the action taken did stop the discrimination, harassment, intimidation and/or bullying and did remedy the complaint.

- Document the steps taken to resolve the incident and any action taken in monitoring or following to assess the effectiveness of the remedies put in place. Keep the documentation in a separate file.
- If the complainant is dissatisfied with the response from his/her supervisor, or if the supervisor is not immediately available, the individual should be informed to contact either the Equal Opportunity Section at (213) 241-7685 or Office of the General Counsel.

Formal Process

Provision should be made for an employee to discuss his/her complaint with the school's administrator or designee without delay. The informal process shall be bypassed if the complaint names a school-based administrator as a respondent. In that case, the complainant should file directly with the Equal Opportunity Section to initiate a formal complaint at (213) 241-7685 or refer the complaint to the school's instructional director.

- The "Employment Discrimination Complaint Form" should be used to request that the Equal Opportunity Section conduct an internal investigation concerning discrimination, harassment, intimidation and/or bullying in the work place. See [BUL-6612.0](#)
- The Equal Opportunity Section must notify the complainant of its acceptance or rejection of the complaint within ten (10) days of receipt of the complaint.
- Investigation consists of an official inquiry and systematic examination of the allegations.
- The scope of the investigation shall be limited to the allegations cited in the complaint.

Right to File Charges and Complaints

An employee, independent contractor, or job applicant who suffers harassment or discrimination proscribed by law can file a complaint with the California Department of Fair Employment and Housing, which can be reached at (213) 439-6799, or the Federal Equal Employment Opportunity Commission, which can be reached at (213) 894-1000, or with both. Both of these agencies are empowered to investigate and remedy claims of discrimination or harassment brought by employees. Any employee or contractor who feels he or she has been subjected to harassment or discrimination may also file a complaint with LAUSD's Equal Opportunity Section, (213) 241-7685.

ETHICS

The mission of the District ethics program is to improve District and employee performance by helping to create a District culture that develops trust and commitment within the District, and between the District and the community.

The District is firmly committed to complying with its legal and ethical obligations under the law. As a result, the District expects all employees, at every level, to comply strictly as well. District administrators are charged with the responsibility of making decisions that shape our school system and affect the children of Los Angeles. There must be a commitment to providing open, honest, and accountable educational services to the students of the District. Accordingly, an employee's failure to fulfill his/her responsibilities under the [Employee Code of Ethics](#) may result in disciplinary action.

Therefore, it is crucial that all District administrators are conscious of the ethics rules and conflict of interest laws.

The Ethics Office provides the following services:

- Provides informal and formal advice to District employees and Board members on ethical issues, conflicts of interest and District projects and policies.
- Receives and acts on reports of possible ethics violations
- Provides training on the Code of Ethics and ethical leadership.
- Implements the District's Code of Ethics, which includes the Employee Code of Ethics, [Conflict of Interest Code](#), the [Contractor Code of Conduct](#) and the [Lobbying Disclosure Code](#).
- Implements the District's Conflict of Interest Code and conducts state-required conflict of interest reporting by designated District employees.
- Conducts registration of lobbyists working to influence District actions.

Please contact the Ethics Office if you have questions regarding the District's codes or specific situations involving conflicts of interest, financial disclosure, accepting gifts, misuse of District resources, political activity, use of confidential information and other ethics matters at (213) 241-3330 or via their website <https://achieve.lausd.net/ethics>

EXPLOSIVE OR DESTRUCTIVE DEVICE THREAT MANAGEMENT (BOMB THREATS)

An explosive is a substance or combination of substances, the primary purpose of which is a relatively instantaneous release of gas and heat. A destructive device includes any bomb, grenade, explosive missile, or similar device, or any instrument launching device therefore.

Campus Procedures

Health and Safety Code Section 12082 provides that the sale, gift, or delivery of explosives to persons under 21 years of age is unlawful. Labor Code Section 2651 provides that the home manufacture of explosives, fireworks, and similar articles is unlawful. Penal Code section 453(a) provides that possession of an explosive or device with intent to use it willfully to set fire to or burn a school is a crime. Penal Code section 453(b) makes it a felony to possess, manufacture, or dispose of (i.e., give away, loan, sell, or transfer) a firebomb.

If appropriate, the following are the steps to take if you suspect that there is a possible explosive or destructive device threat on school grounds:

- Alert key personnel necessary to carry out the predetermined school plan;
- Record all information received;
- Notify the School Police and local law enforcement;
- Signal for immediate and total evacuation when the threat is imminent;
- If directed by key personnel, direct a search for suspicious objects when the caller has indicated a specific building or location;
- Warn against handling suspicious objects;
- If a suspicious object is found, notify the Bomb Squad if police have not arrived;

- Establish a danger zone to protect students and staff;
- Shut off water, gas, and fuel lines leading to the danger zone;
- Complete the bomb threat form appended to Office of Administrative Services Bulletin No. 18;
- Call District Communications and Media Relations for advice on handling media.

False Reporting (Bomb Threats)

Penal Code Section 148.1(a) states that one who falsely reports that a bomb or other explosive has been placed or secreted in any public or private place is guilty of a crime. Penal Code Section 148.1(b) makes it a crime to maliciously and falsely inform another that a bomb has been placed or secreted in any public or private place.

FAMILY LAW AND CUSTODY ISSUES

School Administrators should be sufficiently familiar with family/custody laws to understand who may make educational decisions regarding children, who may have access to students, and who may have access to student records. Often situations concerning educational and student access are emotional and highly charged. Administrators should avoid becoming embroiled in the emotions surrounding these matters and should seek advice from the Office of General Counsel in situations where the proper course of action is not clear.

Parental Rights and Child Custody Orders

In general, both natural parents have equal rights to make decisions affecting the education of their children. The general rule can be modified by court order or informally between parents. If one parent is challenging the right of another to have access to a child, or a child’s records, the school should determine whether a court order exists that sets forth the rights of the respective parents. If not, both parents have equal rights. If there is a court order, the school should review it to determine if the court order has been signed by a judge (either by hand or with a court stamp) and has not expired. See the chart below for descriptions of custody arrangements.

TYPE OF CUSTODY	PARENTS’ RIGHTS
Joint Legal Custody	Both parents share the right and responsibility to make decisions relating to the health, education and welfare of the child.
Joint Physical Custody	Both parents share physical custody of the child.
Sole Legal Custody	One parent has the right and responsibility to make decisions relating to the health, education and welfare of the child.
Sole Physical Custody	The child resides with and is under the supervision of one parent.

Others Who Have “Parental Rights” or “Educational Rights”

The court may grant parental rights and educational rights to individuals who are not biological parents. Legal guardians, adoptive parents and (for some purposes) court-appointed foster families or

educational rights holders may have parental rights. This is a very complicated area of the law with many potential pitfalls. Therefore, school site administrators should carefully scrutinize documentation and contact the Office of the General Counsel for assistance whenever there is any question whether an individual has parental rights with respect to a student.

Parental Access during School Hours

In general a student may be released to either or both of his or her biological parents even if the biological parents are separated, divorced, or were never married. A court can limit the access of parents to students through a court order. An administrator should not limit access to student unless he or she is presented with a copy of the court order. A copy of a court order may be stapled to the student emergency card for future reference.

If there is a court order limiting access, administrators should not release the child unless the administrator has verified the identity of the parent by way of photographic identification and reviewed the court order to determine that the requesting parent or guardian has a right to custody. If a parent claims a change in the custody arrangement, then he or she must provide a court order that specifically describes the changes. If a non-custodial parent becomes uncooperative or abusive, immediately contact School Police or, if necessary, local law enforcement.

FIELD TRIPS

Students will not be denied participation in educational trips on the basis of actual or perceived legally protected characteristics (Board Rule 2106, District nondiscrimination policy). Additionally, no pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds. Each student's parent/guardian must provide written permission for a field trip, authorization for medical care, and a personal health history for those students with health issues/medical conditions. For students with health conditions, parents are responsible for providing all necessary medications, supplies, and equipment needed (for the field trip) at least 5 school days prior to departure. In order to administer medication (prescription and over-the-counter) on the field trip, parents/guardians must get complete the Request for Medication to be Taken during School Hours form, which includes a parent/guardian signature and the California licensed health care provider's written order.

It is important that administrators share the requirements for all field trips with their teachers and become aware of any district authorized and non-authorized field trips. Administrators share in the responsibility to ensure that field trip policies are followed. Administrators should encourage employees to plan and prepare district authorized field trips as early as possible to ensure that the field trips are conducted in the safest manner possible.

Field Trip Immunity

Under California Education Code section 35330, the District is immune from liability for injuries sustained by students during a District-authorized field trip or an excursion.

To qualify as a field trip or excursion, the following guidelines must be followed:

- Obtain written parental consent for each participating student on the District’s written parental consent form;
- Confirm that the written parental consent form contains a provision providing that all persons participating in the field trip or excursion shall be deemed to have waived all rights against the District for injury, accident, illness, or death occurring during or by reason of the field trip or excursion;
- Advise parents that while field trips are generally conducted during school hours, these activities are voluntary in nature, and a student’s non-participation in a field trip does affect the student’s grade or credit; and
- Provide an alternative activity at the school site for those students who do not participate in the field trip.

It is recommended that transportation to field trip locations be provided by District buses. If transportation is provided through the use of private vehicles driven by parents and/or students, the principal is responsible for ensuring that the parent and/or guardian for each student riding in the private vehicle completes the “Transportation Waiver” form, Attachment B to [Bulletin No. 5310.0](#). The principal is also responsible for ensuring that all parent and student drivers complete the “Private Automobile Driver’s Liability Insurance Certification” form, Attachment C to [Bulletin No. 5310.0](#). LAUSD does not authorize the use of student drivers to transport another student. The District does not provide insurance coverage for parent and/or student drivers, and does not assume liability for the operation of vehicles by parents or students.

For further information regarding field trips, please refer to the [Field Trips Handbook and Revised Procedures, REF-2111.1](#), dated October 14, 2015.

INJURIES

The safety of students and staff is the highest priority to the District. Injuries and illnesses create personal loss to employees, students, and their families, and reduce the District’s ability to provide quality education.

Site administrators have primary responsibility for providing a safe working and learning environment, and are accountable for compliance with applicable health and safety requirements. All employees share the responsibility for the safety of students and staff.

Every employee is expected to work safely, adhere to safety requirements, and immediately report hazards and accidents to their supervisors. All District facilities are required to have an Illness and Injury Prevention Program (“IIPP”). If you need assistance in preparing a plan, please contact the Office of Environmental Health and Safety (“OEHS”) at (213) 241-3199. <https://achieve.lausd.net/oehs>

OEHS is responsible for advising appointed site administrators on regulatory requirements, and for conducting periodic site inspections to assess compliance with applicable standards. They assist site administrators in the preparation and implementation of the IIPP. All employees shall immediately report safety hazards, and may do so in the following manner:

- Direct reporting to immediate supervisor;
- Presenting concerns or potential hazards at scheduled staff meetings;
- Informing a member of the Safety Committee;
- Informing the Site Administrator;
- Reporting the condition to OEHS through either the hotline at (888) 455-4665 or the OEHS website at <https://achieve.lausd.net/oehs>; or
- Documenting the hazard in writing by completing an “Employee Request for Correction of Safety Hazard.”

Accident Reporting Procedures

If appropriate, following an occupational injury or illness, the Site Administrator or designee will:

- Ensure that injured or ill personnel receive necessary first aid or medical attention. Always involve an on-site nurse when available;
- Promptly notify the parent/guardian of an injury involving student;
- Ensure proper and prompt reporting of occupational injuries and illnesses on the correct forms (refer to [REF-1279.2 Workers’ Compensation Claims Reporting](#)).
- Take necessary action to prevent recurrence of the injury or illness;
- Investigate the accident, including inspection of the accident site and interview of employees and witnesses, to identify contributing factors and determine the causes(s) of the accident;
- Contact the Risk Management Services Branch at (213) 241-3139;
- Complete the “Accident Investigation Report” and forward a copy to OEHS; and
- Follow-up with the injured employee.

If medical treatment other than first aid is required, the Site Administrator will complete the “Workers Compensation Claim Forms (DWC 1)” provided in Reference Guide [REF-1279.2](#) and provide it to the employee.

Consistent with Cal/OSHA regulations, the Site Administrator will report within eight hours any serious injuries, illnesses or deaths to one of the Cal/OSHA offices.

For purposes of reporting, a “serious injury” is defined as a death, amputation, permanent disfigurement, hospitalization for more than 24 hours for other than observation, or an incident resulting in multiple injuries requiring hospitalization. The following information will be required when reporting the injury:

- Time, date description of accident, and nature of the injury;
- Employer’s name, address, and telephone number;
- Name and job title of person reporting;
- Address of accident site;
- Name of person to contact at accident site;
- Name and address of injured employee(s); and
- Location of injured employee(s).

If you receive a claim, subpoena or lawsuit from any source, direct it immediately to the Office of the General Counsel.

INTELLECTUAL PROPERTY

The term intellectual property is used to describe the universe of legal rights individuals retain in things they create. Intellectual property rights include, among others, copyrights, patents, trademarks, and trade names. The vast majority of intellectual property issues faced by District administrators concern copyrighted works. Therefore, this section will focus on the law regarding copyrights.

A copyrighted work is an original work of authorship that can be read by an individual or a machine. Common examples of copyrighted work include novels, movies and computer software. A copyright is created in an original work as the work is created. Generally, the creator of the work owns the copyright. There are, however, exceptions to this general rule. An employer owns the copyright to an original work created by an employee while the employee is performing his or her job.

The holder of a copyright owns the exclusive rights to reproduce the work, prepare new versions, publish or distribute copies of the work, publicly perform the work, and publicly display the work. It is a violation (referred to as an infringement) to exercise any of those rights without the copyright holder's permission.

For example, assume that a high school purchases sufficient science textbooks for all of its 10th grade students at the beginning of the school year. At the end of the first semester, several additional 10th grade students transfer to high school which causes a shortage of books. It would be a violation of the publisher's copyright if the school simply copied the science textbooks and gave them to new students.

Another example of infringement can be found in the area of computer software. Generally, when schools purchase computer software (e.g. educational games, word-processing software, etc.) from a retailer, they are purchasing the right to load and use that software on one computer. A copyright infringement occurs when the software is loaded on more than one computer. Consequently, if the software is loaded on a home computer and an office computer or on two office computers, the purchaser of the software and the user or users of the second copy may be guilty of copyright infringement.

Copyright infringement could result in substantial personal liability. The copyright holder can sue for a court order to stop the infringing activity, impound or destroy the infringing materials, or to award monetary damages, and attorneys' fees and costs.

There are two limited exemptions from infringement liability that may apply in the school context: 1) the public performance exemption, and 2) the fair use exemption. The Office of the General Counsel should be contacted to analyze applicability of these exemptions.

INTERACTING WITH GOVERNMENT AGENCIES

The District is responsible for protecting students and monitoring outside visitors during school hours. All campus visitors must have the consent and approval of the principal or principal's designee to enter

school grounds. Visitors may not interfere, disrupt or cause substantial disorder in any classroom or school activity.

When representatives of various governmental agencies visit school campuses for purposes unrelated to normal school operations, the principal must immediately ascertain the purpose of the representative's presence on campus.

Department of Children and Family Services

A Department of Children and Family Services ("DCFS") representative is permitted to interview a minor at school during school hours if the minor is a victim of suspected child abuse or neglect. A DCFS representative may also access and interview a minor child pursuant to a court order.

School personnel may release pupil record information to the DCFS case managing social worker of the student under the Uninterrupted Scholars Act and parallel state law. A DCFS emergency worker, responding to a suspected child abuse/neglect report, may receive emergency information as determined by school personnel. School personnel must not contact a minor's parents or guardians if the minor is taken into custody in connection with a child abuse investigation. Under these circumstances, the DCFS worker is responsible for notifying the minor's parents or guardians. School personnel must provide the DCFS worker with the address and telephone number of the minor's parents or guardians. For further guidance on this issue, please contact the Office of General Counsel.

Immigration and Customs Enforcement

According to a policy memorandum released by the Immigration and Customs Enforcement Agency ("ICE) in 2011 commonly referred to as the "sensitive locations memo," absent exigent circumstances or other related exceptions mentioned below, ICE officers and agents are to refrain from enforcement actions at the following locations and events:

- schools
- hospitals
- institutions of worship
- funerals, weddings and other public religious ceremonies
- during public demonstrations

It is important to note that there are exceptions to this policy, such as where prior approval must be obtained from a higher ranking ICE official before conducting enforcement operations in a sensitive location. In some cases, prior approval is not required, such as when there is an extraordinary circumstance involving public safety. Although the sensitive locations policy has not been rescinded to date, there may be subsequent changes under the new Presidential administration.

Notwithstanding the ICE "sensitive locations" policy, the typical circumstances under which law enforcement officers, including federal law enforcement officers, ICE agents, federal immigration officials, or designees may interact with schools when acting in the scope and course of their employment, include the following scenarios:

- Request for information or for general investigative purposes
- Service of a subpoena for records

- Service of a search warrant
- Action pursuant to exigent circumstances

Note: Exigent circumstances include, but are not limited to:

- National security/terrorism
- Imminent risk of death, violence, or physical harm to any person
- Fresh pursuit of dangerous felon
- Protection of evidence in a criminal case

These exigent circumstances are no different for any other law enforcement agency that may come onto District property.

If ICE contacts a school or any other District site either by phone or in person seeking information, access, or records on a student or parent, please follow Reference Guide [REF-6767.2 LAUSD Campuses as Safe Zones and Resource Centers](#). This reference guide outlines the school administrator or designees responsibilities which include the following:

1. Immediately notify your Local District Administrator of Operations and the Los Angeles School Police Department (LASPD) Watch Commander at 213-625-6631.
2. Request the name and badge number of the ICE agent or federal immigration official or designee, phone number of the agent's supervisor and purpose of the visit.
3. Obtain any documentation from the agent (e.g., subpoena; search warrant).
4. Advise the agent that prior to proceeding with their request, and absent exigent circumstances, notifications and direction from specific District offices must take place.
5. Wait for further direction and advice from the Local District Administrator of Operations to appropriately respond to the ICE agent request.
6. Activate the School Site Crisis Team, as needed.
7. Create an iSTAR incident report, as soon as practicable: Indicate incident type as on or off campus activity. In the Issue Type tab, select Law Enforcement Activity, sub-category *Immigration and Customs Enforcement (ICE) Inquiry/Investigation*.
8. Obtain additional guidance from the Local District Administrator of Operations (AOO) on any necessary notification to parents/caregiver of the student who may be the focus of the ICE inquiry.

The AOO will contact the OGC for guidance and follow up with the school administrator on the direction or advice. However, if the AOO cannot be reached immediately, please call the OGC.

Note: Should an agent declare that exigent circumstances exist and demand immediate access to the campus, administrators should comply with the order of ICE or federal immigration official and immediately contact the AOO and LASPD Watch Commander.

Local Law Enforcement

Generally, a peace officer is permitted to interview a student at school if that student is a witness to misconduct. School administrators may suggest to the peace officer that the student should be questioned at a time when the student is not under the jurisdiction of school.

A peace officer may remove a child from school if that child is a victim of suspected child abuse or neglect. In addition, a peace officer may interview a child at school in connection with an investigation of child abuse or neglect. School personnel must not contact a minor's parents or guardians if the minor was taken into custody in connection with a child abuse investigation. Under these circumstances, the peace officer is responsible for notifying the minor's parents or guardians. School personnel must provide the peace officer with the address and telephone number of the minor's parents or guardians.

Absent written parental consent, a court order, a subpoena, or a health and safety emergency (as determined by school personnel), school personnel should not release pupil records to peace officers. For further guidance on this issue, please refer to Authorized Access and Disclosable Information section of this HELP Book.

- **Arrests**

Whenever feasible, arrests should be handled by the local law enforcement agency or the school police officer assigned to serve the local school.

If an arrest is made for an injury inflicted on another student or school employee or for damages sustained to school property, students may be taken from school by law enforcement officers when an arrest is made ([Education Code Section 48906](#)). Responsibility to notify parents of pupils taken from school by a law enforcement officer rests with the principal or other school official. To protect the District, the school administrator should maintain a record of the school's efforts to reach the parent. In general, peace officers have the right to interview suspects or witnesses who are students while those students are in attendance at school (54 Ops. Cal. Atty. Gen. 96, 97 (1971)). School personnel should generally not hinder properly identified law enforcement officers from carrying out their duties but should also ensure that these interactions take place as confidentially as possible.

Probation Officers and Others

Board Rule 1204 permits representatives of the Los Angeles County Probation Department, California Youth Authority, and the FBI to interview students on school premises. The interview must take place in the presence of the principal or a teacher, unless law enforcement requests otherwise. Prior to conducting the interview, representatives must provide proper identification to the principal or teacher. This rule does not allow these representatives to examine student records.

JUVENILE HALL/CAMP RETURNEES

[Education Code Section 48645.5](#) makes clear that pupils shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system. Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by the pupil while attending a public school, juvenile court school, or nonpublic. Unless exempt from compulsory school attendance, a student returning from a juvenile justice facility or any other court ordered placement is entitled to the same right to an appropriate

educational program as that provided to all other students, and should be immediately enrolled in school following District enrollment procedures. See also the Enrollment section in this HELP Book.

In addition, Education Code sections [48645.5](#), [49069.5](#) and [48648](#) require that the county office of education and county probation department have a joint transition planning policy that includes collaboration with relevant local educational agencies relating to pupils who are being released from juvenile court schools. The LAUSD, Los Angeles County Office of Education (LACOE) and Los Angeles County Probation Department are collaborating to strengthen communication and to establish protocols and procedures that will ensure early identification, support appropriate placement of students upon re-entry into the District, and provide After Care Case Management services.

[Education Code section 51225.1](#) provides certain graduation exemptions for students who transfer to a new school after completing their second year of high school. To be considered a youth involved in the juvenile justice system for the purpose of this provision, the student must be subject to a petition under Welfare and Institution Code (WIC) Section 602. A student is considered a WIC 602 youth so long as they are charged with a crime in delinquency court; they do not need to already be found guilty or placed on probation. For additional information or assistance with enrollment, please contact the SHHS Pupil Services Juvenile Hall/Camp Returnee Program at (213) 241-3844.

MEDIA ON CAMPUS

Although the District encourages cooperation with the news media, principals and administrators must take all reasonable steps to protect students and make certain that the media do not cause serious interruptions to the school, students and teachers.

School administrators must contact the Office of Communications ((213) 241-6766) if it receives a media request or inquiry. News media are required to (1) register their presence on campus, (2) comply with other conditions for interviewing students and/or observing an event, and (3) leave the premises if their presence disrupts the peaceful conduct of the school.

Answering Media Questions

Employee's comments to the media can be used in court against the District and the employee. Employees should remember that when they are interviewed they are representing the District as well as themselves. If you receive a media inquiry or request to be interviewed, please call the Director of Communications and Media Relations. You should also contact your local area superintendent and, in most cases, the Office of General Counsel.

When a school is involved in any emergency or crisis situation that is likely to be covered by the media, the school should contact the Director of Communications and Media Relations, advise the office of the situation and request the office's assistance. Information officers can be dispatched to schools in times of crisis. The Office of Communications/Public Information is responsible for informing the public of the District's educational programs and activities. This office also has primary responsibility for press and media coverage.

Administrators can decline to talk to the media. All media requests should be referred to the Director of Communications.

Parental Permission Before Media Interviews

The Parent Handbook contains a form that parents and guardians may complete and return to the school to prohibit any member of the news media from interviewing or photographing their children. The waiver also allows parents to give permission for their child to be photographed by the news media. The form is located on the inside back cover of the current Handbook and should be kept in the students' cumulative (cum) file once it is returned to the school.

MEGAN'S LAW (SEX OFFENDER NOTIFICATIONS)

Megan's Law, [California Penal Code Sections 290](#) and [290.4](#), was enacted to warn local communities about sex offenders residing in a particular locality. In general, Megan's Law authorizes law enforcement agencies to notify the public, including public schools, about sex offenders who reside in, are employed in, or frequently visit a certain community.

While a school does not have a mandatory duty to notify parents or the public about the presence of a sex offender in the community, a school may disseminate information to parents or the public in the manner and to the extent authorized by the law enforcement entity.

District policy requires that a school site administrator immediately notify the School Police Watch Commander if the administrator receives information regarding the presence of a sex offender within school boundaries. School Police will work with local law enforcement to determine whether the information should be disseminated and, if so, to what extent. See [California's Megan's Law Website](#) for more information.

NONDISCRIMINATION

The Los Angeles Unified School District prohibits discrimination, harassment, intimidation and bullying based on actual or perceived race or ethnicity, gender/sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), sexual orientation, religion, color, national origin, ancestry, immigration status, physical or mental disability, medical condition (cancer-related and genetic characteristics), military and veteran status, marital status, registered domestic partner status, age (40 and above), genetic information, political belief or affiliation (not union related), a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation in any program or activity it conducts or to which it provides significant assistance.

Discrimination is different treatment on the basis of a protected category in the context of an educational program, work or activity without a legitimate nondiscriminatory reason and interferes with or limits the individual's ability to participate in or benefit from the services, activities, or privileges provided by the District.

Harassment occurs when a target is subjected to unwelcome conduct on the basis of a protected characteristic, which in turn may create a hostile environment when the harassment is both subjectively offensive to the target and would be offensive to a reasonable person of the same age and characteristics under similar circumstances, and is sufficiently severe, pervasive, or persistent so as to

interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

Upon witnessing an act of discrimination, harassment, intimidation and/or bullying based on actual or perceived protected characteristics, school personnel are required to take immediate steps to intervene when it is safe to do so. Once a school or office has notice of discriminatory, harassing, intimidating and/or bullying conduct, whether carried out by employees, students, or third parties, it should take immediate and appropriate steps to investigate or otherwise determine what occurred and take prompt and effective steps reasonably calculated to end the conduct, eliminate a hostile environment, if one has been created and prevent the conduct from occurring again. These steps should be taken whether or not an individual makes a complaint or asks the school or office to take action. Complainants are protected from retaliation.

This nondiscrimination policy covers admission or access to, or treatment or employment in, all District programs and activities, including vocational education.

This nondiscrimination policy applies to all acts related to school activity or school attendance within any school or office under the jurisdiction of the Superintendent of the Los Angeles Unified School District.

Additional information prohibiting other forms of unlawful discrimination or harassment, inappropriate behavior, and/or hate-motivated incidents/crimes may be found in other District policies that are available in all schools and offices [BUL-3349.1 Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult), [BUL-2047.1 Hate-Motivated Incidents and Crimes – Response and Reporting](#)]. It is the intent of the District that all such policies be reviewed 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.

Complainants should be encouraged, where possible, to try to resolve their complaints directly at the school or work site or in their local district office. For information or assistance in responding to a discrimination/harassment complaint (see Uniform Complaint Procedures, [BUL-5159.8 Uniform Complaint Procedures](#)) related to discrimination, harassment, intimidation and/or bullying of students based on the actual or perceived characteristics listed above, contact your Local District Administrator of Operations or the Educational Equity Compliance Office at (213) 241-7682 and at <http://achieve.lausd.net/eeco>. Employees may also use the complaint procedure described in the Employee Complaints section, above. Administrators should provide a disabled employee in need of accommodations, or where an administrator has notice of a disability, BUL-4569.0, Reasonable Accommodation for Individuals with Disabilities. Administrators are also encouraged to consult this bulletin and facilitate the Interactive Process when they have reason to suspect an employee is disabled.

For inquiries or complaints related to employee-to-employee, student-to-employee, or work/employment related discrimination, harassment and/or intimidation, contact your Local District Administrator of Operations or the Equal Opportunity Section at (213) 241-7685.

Information about the Uniform Complaint Procedures must be disseminated annually to staff, students, parents and school-community groups. Uniform complaint forms should be available at all school sites in the primary language of that school community.

Under the Uniform Complaint Procedures, a written complaint of harassment/discrimination must be filed no later than six months from the date that the reported incident occurred. The formal investigation of a complaint shall be completed within 60 days of receipt of the complaint.

Individuals who use the Uniform Complaint Procedures should be advised and assured that confidentiality of the facts will be observed to the maximum extent possible and that the District prohibits retaliation against anyone who files a complaint or anyone who participates in the complaint investigation process.

OPPORTUNITY TRANSFERS

An opportunity transfer is a removal and transfer of a student from one District school to another for remedial or corrective reasons. Opportunity transfers (for discipline) should be temporary.

Opportunity transfers are initiated by the school when the school administrator determines that a change in environment will improve the student's behavior. An involuntary opportunity transfer may not be used to address the following:

- truancy or other attendance related issues;
- low academic achievement;
- tardiness; or
- discipline of a victim of a fight.

At the elementary school level, a student can receive only one opportunity transfer, whether voluntary or involuntary. However, a student can receive two involuntary transfers at both the middle and high school levels. Students have the right to appeal an involuntary opportunity transfer. For the appeal process and detailed information regarding Opportunity Transfers, please refer to [BUL-6362.0 Opportunity Transfer \(O.T.\) - Policy and Procedures](#).

A transferred student may return to the original school if he or she fully complies with the terms of the transfer. A school administrator must negotiate the terms of the opportunity transfer with the parent or guardian, the student and receiving school administrator before the transfer is effective. The school administrator who issues the opportunity transfer is accountable for the student's attendance until the student has enrolled in the receiving school.

A student who has committed an offense requiring mandatory expulsion cannot receive an opportunity transfer. (See Student Discipline section.)

For special education students, an opportunity transfer does not apply. Instead, a change of placement can be considered through the IEP process.

A 504 student may not be involuntarily transferred if the misconduct is a manifestation of his or her disability. Prior to issuing an involuntary opportunity transfer for students who have Section 504 accommodation plans, the school must determine whether the student's misconduct is a manifestation of his or her disability. ([See Bulletin 4692.6](#))

PATRIOTIC CEREMONIES

By state law, public elementary and secondary schools must conduct appropriate patriotic exercises at the beginning of each school day. See [Education Code Section 52720](#). The recitation of the Pledge of Allegiance satisfies this requirement. The patriotic exercises can be done any time during the school day and do not need to occur at the beginning of each school day. (See [Education Code Section 52720](#).)

A public school student has a constitutional right under the First Amendment to the United States Constitution to refuse to salute the flag or to participate in required patriotic ceremonies, such as the Pledge of Allegiance. Accordingly, students cannot be compelled to salute the flag, recite the Pledge of Allegiance, or to stand while the Pledge of Allegiance is recited.

When a student is unwilling to participate in the classroom's patriotic exercises, the teacher should instruct the student to remain silent and seated during these exercises, if appropriate. A student may not be disciplined solely for refusing to participate in patriotic ceremonies. (See [Education Code Section 48950](#))

PHYSICAL EDUCATION REQUIREMENT

Elementary Students (Grades 1-6)

California [Education Code Section 51210.1](#) requires that elementary students in grades 1 through 6 receive physical education instruction for a total period of time of not less than 200 minutes each 10 school days, exclusive of recess and lunch period. Elementary schools shall post each elementary teacher's physical education schedule on the school's website or in the elementary teacher's classroom. In addition, the physical education schedules shall be posted in the school's main office. Parents or guardians who have any questions regarding physical education minutes should first contact their child's teacher or principal.

High School Students

California [Education Code Section 51222](#) requires that high schools provide 400 minutes of physical education in a 10 school day period for both semesters. Schools on a 4x4 schedule do not meet this requirement and thus, must apply for a waiver to continue on the schedule. The waiver request from schools requires school board approval and public hearing of the waiver request. Waivers must be requested every two years. Please refer to [BUL-2528.1 Physical Education Programs, Grades K-12](#) on procedures for high schools on a 4x4 schedule to apply for the state waiver.

Physical Education Complaints

A parent or guardian who believes that his or her child is not receiving the required number of physical education instructional minutes may file a formal complaint. The complaint form can be found at the school or on the District physical education website at <https://achieve.lausd.net/Physical Education> and

should be returned to the school's principal in the main office. Parents or guardians with questions or concerns about the number of minutes of physical education beyond the response provided by the school may contact the school's Director at the appropriate Local District office.

Complainants should be encouraged, where possible, to try to resolve their complaints directly at the school or work site or in their local district office. However, for information or assistance in responding to a formal physical education instructional minutes complaint (see Uniform Complaint Procedures, [BUL-5159.8 Uniform Complaint Procedures](#)), contact your Local District Administrator of Operations or the Educational Equity Compliance Office at (213) 241-7682 and at <http://achieve.lausd.net/eeco>.

POLITICAL SPEECH AND CONDUCT

Official School Publications

California law guarantees freedom of the press for all official school publications, including newspapers, yearbooks, and other publications distributed to the student body. There are important exceptions:

1. Material which is libelous or which violates the right of privacy;
2. Material which is obscene, according to current standards of our community;
3. Profanity, hereby defined as that language which would not be used in the L.A. Times or the L.A. Herald-Examiner;
4. Material which advocates the breaking of any law;
5. Material which criticizes or demeans any race, religion, sex, or ethnic group;
6. Ads for cigarettes, liquor, or any other product not permitted to teenagers;
7. Any material, the publication of which would cause substantial disruption of the school. Substantial disruption is hereby defined as the threat of physical violence in the school or nearby community and/or the disruption of the school's educational program;
8. Official endorsements of political candidates or ballot measures whether such endorsements are made by editorial, article, letter, photograph or cartoon. A student newspaper may not officially advocate a position. It may, however, present through article, letter, photograph, or cartoon opposing positions and candidates so long as all major issues and candidates are given equal space, content, and strength of argument.

Board Rule 1275 provides that no publication may be censored except for the reasons specifically listed above. School officials must justify any censorship.

Non-School Sponsored Publications

Administrators may prohibit the distribution of non-school sponsored publications. This is an area where there is a thin line between the permissible and impermissible. Principals and administrators should consult the Office of General Counsel if issues arise.

Political Conduct: Rallies, Assemblies, Demonstrations, Sit-ins

Students have a First Amendment right to assemble and demonstrate peaceably. Administrators may not prohibit expression of any particular point of view.

School administrators may establish reasonable time, place or manner restrictions on this right. For example, a school administrator may prohibit rallies during class time if students otherwise have the right to speak freely in a schoolyard when classes are not in session. In addition, administrators should take care to insure that students' attempted exercise of free speech does not advocate hate, violence, or discrimination.

If a group of pupils occupies and refuses to leave a classroom, office, library, auditorium or other space normally used to support the school's educational program, the school administrator should contact Local District Operations, school police or the local law enforcement agency and the Office of General Counsel.

PROPERTY DAMAGE OR VANDALISM

Vandalism is the destruction or defacement of property. Vandalism costs the District an enormous amount of money each year.

When minor property damage occurs, the principal should handle the matter with discretion and appropriate judgment. In cases of major property damage or loss, the principal should notify the School Police Department, local police, and the Local District Superintendent immediately by telephone. All losses should be reported immediately by telephone to Risk Management Services.

If the destruction involves personal property of school employees, the employee should be made aware of Board Rule 1672, which may allow for replacement or repair of damaged personal property, including a vehicle, caused by malicious acts. Risk Management Services Branch, Employee Reimbursement Program should be contacted at (213) 241-3130.

If appropriate, administrators should follow the following procedures when an administrator encounters vandalism on school grounds:

- Report the matter to school police and/or local law enforcement and file a report;
- Assess the extent of damage;
- Resolve minor damage incidents locally;
- Report the loss to Risk Management Services Branch;
- Assist the police in their investigation;
- Take appropriate disciplinary measures; and
- Complete the "Notification of Loss" form and return it to Risk Management Services Branch.

Individual/Group Liability

When destruction of property occurs during an activity held under a permit for use of the school facilities, Board Rule 1315 provides that the person or group to whom the permit is issued shall be liable for such damage or loss.

PUBLIC RECORDS ACT REQUESTS

State laws and regulations require that the District keep documents created or received by or on behalf of the District. The length of time the records must be kept depends upon the type of record and its contents. Please refer to [BUL-6825.0, Records Retention and Destruction \(Other than Pupil Records\)](#). Administrators who wish to purge documents should contact the Office of General Counsel to verify that the documents can be destroyed.

The California Public Records Act (“CPRA” or “PRA”) provides for public access to records maintained by the District. The Office of General Counsel processes and responds to Public Records Act requests to the District. If the school receives a Public Records Act request, it should immediately fax (213) 241-8444 or email (pra@lausd.net) a copy of the request to the PRA Unit of the Office of General Counsel and follow up with a call to (213) 241-7600 for further instructions. To qualify as a request for documents under CPRA, the request must be in writing and specifically describe the materials requested. An administrator should not provide records or documents to anyone without first contacting the Office of General Counsel.

Upon receipt of a request for records pursuant to CPRA, Office of General Counsel staff will:

- Determine whether documents requested must be released and reply to the requestor within 10 days of receiving the request;
- Coordinate with the school or units holding the documents as to the most efficient, cost effective way of complying with the request;
- Supervise production of the documents and ensure that an index of documents examined or copied is prepared and maintained.

For further information regarding Public Records Act Requests, please see [BUL-3581.1 California Public Records Act \(“PRA”\) Requests](#)

PUPIL FEES

A pupil must not be required to pay any fee, deposit, or other charge not specifically authorized by law. ([Education Code section 49010](#) et seq.; *California Code of Regulations, Title 5, section 350*) This means, among other things, that a school may not require students to purchase textbooks, or pay student activity fees to participate in band, chorus or athletics. It also means that a school may not require students to purchase gym clothes or other items needed for class work, for core classes, electives, or extra-curricular activities. The District provides “rental” caps, tassels and gowns, free of charge to high school graduating seniors from the approved vendor for use during the graduation ceremonies. Refer to [REF-6484.3](#) for the 2018 District Policy on Graduation Caps, Tassels and Gowns. Contact the Office of General Counsel to determine whether a fee is appropriate before any money is requested.

A pupil fee complaint may be filed anonymously under the Uniform Complaint Procedures process if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees. If merit is found in a pupil fee complaint the public school shall provide a remedy to all affected pupils, parents, and guardians that where applicable includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils,

parents and guardians, subject to procedures established through regulations adopted by the state board. The District will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

Additional assistance is available through the Educational Equity Compliance Office at (213) 241-7682 or by visiting their website: <http://achieve.lausd.net/eeco>.

RELIGIOUS ACTIVITIES

The First Amendment of the United States Constitution mandates strict governmental neutrality in religious matters. Therefore, District may neither favor nor disfavor any religion.

Commencement Ceremonies/Athletic Events

Generally, prayers, benedictions, or invocations are not permitted at public school graduations or athletic or other District sponsored events.

Religion in the Classroom/Religious Observance

Any activity that promotes religion is strictly prohibited in the public classroom. However, California law allows references to religion or the use of religious things if not used for religious instruction or to aid any religious sect, church, or purpose, and when properly included in the course of study. (See [Bulletin No. 5479.2 Guidelines for Teaching About Religions](#)).

Religious groups may apply for Civic Center permits, as any other organization may do, and under the same circumstances. See section “Use of School Property,” below.

RESPONSIBLE USE POLICY

The District provides computer networks that employees and students can use to access internal resources and the Internet. The District’s Responsible Use Policy (RUP) ([BUL-999.12](#)) and [BUL-5181.1 Policy Regarding Internet Safety for Students](#) establishes responsibilities and guidelines for the authorized use of the networks, internal information systems connected to them, and the Internet. Every year, employees and students who intend to access the networks, internal resources, and Internet must sign the policy and return it to the District. The policy must also be signed by the parents or guardians of students under the age of 18. To obtain Internet access, students must also successfully complete the Student Internet Test and follow all procedures established at the school site.

District accounts can be used only as long as an individual is an employee or student of the District. Those employees and students that have accounts are responsible for ensuring that they are used properly. Accounts provided by the District can be used for educational and professional purposes only, except that employees can use accounts for personal reasons if the personal use is incidental and occurs during off duty work time.

Unacceptable uses of the accounts include, but is not limited to, the sale or purchasing of an illegal substance, and transmitting, accessing, or downloading harmful or protected content including, without

limitation, child pornography and copyrighted music. Uses that can cause harm to others or their property are also unacceptable. For example, deleting or damaging another person's e-mail or data is unacceptable as is the use of profane language or cyberbullying. Finally, the use of the accounts for commercial or political purposes is an unacceptable use. The accounts cannot be used for buying and selling goods for financial gain. It is a violation of the policy to solicit for religious purposes, lobby for political purposes, or solicit votes.

SCHOOL DISTURBANCES

The California Constitution guarantees "[a]ll students and staff of public primary, elementary, junior high and senior high schools...the inalienable right to attend campuses which are safe, secure and peaceful." (Cal. Const. Art. I, § 28(c)) School violence not only threatens staff and student physical safety, it makes students fearful and affects their willingness and ability to learn.

The District is committed to supporting schools and offices as they work to create and maintain safe and caring learning and working environments for all students and staff. Any individual who commits acts of violence or threatening or disruptive behavior in the workplace may be subject to removal from the premises, subject to disciplinary action and/or subject to criminal penalties. Non-staff members who engage in violent, threatening or disruptive behaviors may forfeit permission to remain on-site. This action may be taken when there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

School principals should refer to the following bulletins in dealing with disturbances at schools:

BUL 5798.0 – Workplace Violence, Bullying and Threats (Adult-to-Adult)

BUL 5799.0 – Threat Assessment and Management (Student-to-Student, Student-to-Adult)

BUL 6050.2 – Expulsion of Students - Policy and Procedures

BUL 1347.3 – Child Abuse and Neglect Reporting Requirements

BUL 2047.1 – Hate-Motivated Incidents and Crimes – Response and Reporting

BUL 5212.2 – Bullying and Hazing Policy (Student-to-Student and Student-to-Adult)

BUL 3349.1 – Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult)

BUL 2637.3 – Suicide Prevention, Intervention, and Postvention (Students)

BUL 5047.1 – Act of Violence

The District's Incident System Tracking Accountability Report (iSTAR) is the District-wide electronic tool to report and document incidents involving students, employees, or the school community which occur on or near District schools and sites. Principals are required to follow the procedures outlined in BUL 5269.2 for iSTAR reporting

Student Altercations

Students who fight on or near school grounds are subject to suspension, expulsion and criminal action depending on the severity of injury or damage inflicted upon others. Such activity is contrary to the welfare and best interest of other students if it obstructs or disrupts the educational program of the school or prevents a student, teacher, or other school authority from attending class or performing regular duties. (See [BUL-6050.2](#) and [5655.3](#)).

A principal has authority to suspend a student who (a) causes, attempts to cause, or threatens to cause physical injury to another person, (b) possesses any firearm, knife, explosive or other dangerous object, (c) causes or attempts to cause damage to school property ([Education Code Section 48900](#), Board Rule

1280.) A teacher may also suspend a student who commits any of the above acts from class for the day of suspension and the day following. A report must be made to the principal along with a request for a parent conference ([Education Code Section 48910](#)).

Criminal Penalties for Students

If a student commits an assault on another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury, Penal Code Section 245(a) states that such act is punishable by imprisonment or fine or both. Additionally, if a student commits an assault on a police officer or fireman engaged in the performance of duties, it is punishable by imprisonment in state prison for four, six, or eight years ([Penal Code Section 245\(c\)](#)).

Possession of a deadly weapon by a student on or near the school campus is grounds for suspension or expulsion. If students use deadly weapons in a fight or have them in their possession, they may be subject to additional sanctions under criminal law.

Where two or more persons acting together disturb the public peace by using, threatening to use, or urging the use of force or violence, the misdemeanor of "riot" is committed (Penal Code Sections 44, 404.6, 405). Gang activity in which threats of violence are used will often constitute "riot" and the administrator should remind police that they can arrest gang members who act or threaten in concern for "riot."

SEXUAL HARASSMENT

Sexual harassment is defined by California [Education Code Section 212.5](#) as any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual harassment is a violation of District's policy's ([Sexual Harassment Policy \(Student-to-Student, Adult-to-Student, and Student-to-Adult\) Bulletin No 3349.1](#)), and state and federal law, and will not be tolerated. The District considers sexual harassment to be a major offense, which can result in discipline, including dismissal or suspension. District policy absolutely forbids all forms of sexual harassment of employees, independent contractors, or job applicants.

Sexual harassment includes verbal, physical, and visual, including computer-generated, harassment, as well as unwanted sexual advances.

Upon witnessing an act of discrimination, harassment, intimidation and/or bullying based on actual or perceived characteristics of a protected category (as enumerated above), school personnel are required to take immediate steps to intervene when it is safe to do so. Reporting such conduct to an administrator or Title IX/Bullying Complaint Manager can be an appropriate intervention. Once a school or office has notice of discriminatory, harassing, intimidating and/or bullying conduct, whether carried out by employees, students, or third parties, it should take immediate and appropriate steps to investigate or otherwise determine what occurred. School personnel are to take prompt and effective steps reasonably calculated to end the conduct, eliminate a hostile environment, if one has been created, and prevent the conduct from occurring again. These steps should be taken whether or not an individual makes a complaint or asks the school or office to take action. This policy applies to all acts related to school activity or school attendance within any school or office under the jurisdiction of the Superintendent of the Los Angeles Unified School District.

Any student or employee of the District who believes that she or he has been a victim of sexual harassment should bring the problem to the attention of the school-site administrator or the school's Title IX/Bullying Complaint Manager so that appropriate action may be taken to resolve the problem. The District prohibits retaliatory behavior against anyone who files a sexual harassment complaint or any participant in the complaint investigation process. Complaints must be promptly investigated in a way that respects the privacy of the parties concerned.

Pursuant to the California [Education Code Section 48980\(h\)](#) and [231.5](#), a copy of the District's sexual harassment policy shall:

- Be displayed in a prominent location in the main administrative building, staff lounge, or other area of the campus or school site. "Prominent location" means that location where notices regarding rules, regulations, procedures, and standards of conduct are posted.
- Appear in any school or District publication that sets forth the school's or the District's comprehensive rules, regulations, procedures, and standards of conducts.

For more information or assistance with student or parent/guardian concerns, contact your Local District Administrator of Operations or the Educational Equity Compliance Office at (213) 241-7682 or visit <http://achieve.lausd.net/eeco>. For assistance with employee concerns, contact the Equal Opportunity Section at (213) 241-7685.

Student-to-Student, Adult-to-Student, Student-to-Adult Sexual Harassment

When a direct complaint or indirect report of student-to-student, adult-to-student or student-to-adult sexual harassment is received it should be given immediate attention and the following action should be taken:

- Take the steps to ensure that alleged harassing behavior does not continue.
- Provide interim safety and emotional supports to involved parties.
- Interview and counsel the victim and request a factual written statement of the incident (Oral complaints must also be addressed).
- Interview witnesses, if any, identified by either party.
- Interview the alleged perpetrator(s).

- If the allegations involve child abuse, do NOT investigate. Follow the procedures regarding reporting child abuse, as described in the child abuse reporting section and conduct a subsequent or concurrent administrative investigation once determined appropriate to do so.

If sexual harassment is suspected, provide all parties and parents with copies of the District Sexual Harassment Policy ([Bulletin No 3349.1, August 6, 2014](#)) and, where appropriate secondary students may be provided the District's Sexual Harassment Student Know Your Rights brochures where appropriate and elementary students may be provided Students Don't Let Others Bully or Harass You brochures. Administration should also take the following actions:

- Inform all parties of the informal and formal process options available to resolve the situation ([Bulletin No 3349.1, August 6, 2014](#)).
- Inform all parties of District policy regarding confidentiality and non-retaliation (Bulletin No 3349.1, August 6, 2014).
- Advise the victim and alleged perpetrator that they will be immediately contacted when the investigation is finished to notify them of the results.
- Use the Complaint Record: Student Sexual Harassment to document your steps. (Bulletin No 3349.1, August 6, 2014). The Complaint Record can also be used in cases of inappropriate behavior or no findings. Keep a copy in a confidential file and attach a copy to the related iSTAR record.
- Inform parents (Use caution in cases of sexual orientation harassment) of administrative actions being taken. Contact the Educational Equity Compliance Office for a Sample Informal Response to Parents.
- Take adequate interim measures (e.g., counseling, safety measures, supervision, extra supports, class changes) to ensure that the victim will not be harassed again. Provide the student-victim with a "safe path" back to you or a designee in case the harassing behavior resumes minimizing impact on the alleged victim where possible.
- Plan to check back with the student-victim later in the day or during the next few days to be sure the harassing behavior has stopped.
- Contact the Educational Equity Compliance Office at (213) 241-7682 or its website eco.lausd.net for further assistance.

Sexual Orientation Harassment

Follow all of the steps described above. However, before informing parents, consult with the student-victim to determine a safe way to alert parents of the incident. Focus on the conduct and not on the student's actual or perceived sexual orientation.

Sexual Harassment/Child Abuse

In addition to the steps above (except investigating), if child abuse is suspected:

Make a suspected child abuse report to the appropriate child protective agency if you reasonably suspect child abuse has occurred. Not all incidents of sexual harassment are necessarily incidents of child abuse. If you need consultation on suspected Child Abuse

procedures, consult with a child protective services agency. Child Abuse reporting procedures, sexual harassment policies and procedures and disciplinary policies must operate in a coordinated manner. See [Bulletin No. 1347.3 Child Abuse and Neglect Reporting Requirements](#).

Contact Staff Relations immediately if you believe employee disciplinary action is possible.

SOCIAL MEDIA

The District is committed to preventing unauthorized access and other unlawful activities online by students, parents and other associated persons; communications between employees; to prevent unauthorized disclosure of or access to sensitive information and to comply with the Children’s Internet Protection Act (CIPA). All social media on a District device and on the District’s Network is subject to District policies. Social Media is defined as more than just social networking. Blogs, wikis, and messaging services are also classified as social media. At all times, in and out of school, social media use on district devices is covered by the RUP and Bulletin 5688.1 (link below). While the District recognizes that during non-work hours employees and students may participate in online social media, blogs, and other online tools, District employees and associated persons should keep in mind that information produced, shared and retrieved by them may be subject to District policies and is a reflection of the school community.

Employees who identify themselves as LAUSD employees must use good judgment when posting materials on their personal social media sites in accordance with bulletin 5688.1. Employees should not "friend" current students or communicate with them in any way through a personal social media site. Moreover, employees must not violate copyright laws in posting material to any school related or personal social media site where they identify themselves as an LAUSD employee.

Students should also be encouraged to use good judgment and good digital citizenship when they post info on social media sites.

For District’s policy and procedures on social media for students, employees and associated persons, please see [BUL-6399.1 Social Media Policy for Students](#) and [BUL-5688.2 Social Media Policy for Employees and Associated Persons](#)

STUDENT DISCIPLINE

Discipline Foundation Policy

The District is committed to providing safe classrooms and healthy school environments. Every student has the right to learn in an environment that supports his or her well-being. Every educator has the right to teach in a setting that is free from disruption and obstacles that impede learning. Every employee has the right to work in a safe and respectful atmosphere.

The Discipline Foundation Policy establishes a consistent plan for developing, refining, and implementing a culture of discipline built on positive behavior. On February 14, 2014, the District established Bulletin [BUL-6231.0 Discipline Foundation Policy: School-Wide Positive Behavior Intervention and Support](#). This document introduced changes to the policy and provided a framework for incorporating those changes.

Traditional models of school discipline tend to be reactive, resulting in punitive consequences. The District’s current policy represents a proactive approach to discipline, one that promotes appropriate student behavior, increased learning opportunities, and Restorative Justice practices.

Additional information is available on the Discipline Foundation Policy website at <https://achieve.lausd.net/page/DFP>. Copies of the Elementary and Secondary School Climate Bill of Rights and other resources are also available on the website.

Suspension and Expulsion

California [Education Code Section 48925](#)(d) defines suspension as removal of a pupil from ongoing instruction for adjustment purposes. A student may be suspended for no more than five consecutive school days.

▪ Suspension

A suspension is a brief removal of a pupil from ongoing instruction for behavioral adjustment purposes.

Suspension from Class

A student may be suspended from one or more classes. A student suspended from all of his or her classes may remain in school during the period of suspension provided he or she is appropriately supervised.

A teacher who suspends a student from his or her class must immediately report the suspension to the principal (or the principal’s designee) and send the student to the office. The student may only be kept out of class for the balance of the day and for the following day. A teacher-initiated suspension is only applicable to the class in which the student has engaged in misconduct under [Education Code section 48900](#) except for misconduct of willful defiance as described in Education Code Section 48900 (k) as stated in the Board Resolution: School Discipline Policy and School Climate Bill of Rights.

During the period of suspension, a student may not be returned to the class from which he or she was suspended without the concurrence of the principal and the teacher who imposed the suspension. The suspended student cannot be placed in another regular class during the period of suspension. If the student is assigned to more than one class per day, the student may attend the classes from which he or she is not suspended.

A teacher may require the student to complete all tests and assignments the student missed during the period of suspension.

Suspension from School

The principal or principal’s designee may suspend a student from school for no more than five consecutive school days.

When suspension from school is imposed, the principal or principal’s designee must conduct an informal conference with the student to notify him or her of the reasons for suspension, and must give the student the opportunity to explain his or her actions. The principal must also inform the student of

other means of correction before the suspension. The principal must make a reasonable effort to inform the parent or guardian immediately of the suspension. The school must also notify the parent or guardian in writing of the suspension, and advise the parent or guardian of the student's right to appeal.

Unless the principal determines that the suspended student constitutes a clear and present danger to the lives, safety or health of students or school personnel, a pre-suspension conference must be held with the student. That conference should also include the student's parents, if possible, to discuss the suspension. The conference should take place before the suspension is imposed, if possible. However, if a pre-suspension conference is not possible, suspension may be imposed without a conference. The student is required to return to school at the conclusion of the suspension, even if the parent has failed to attend the conference.

A student may not be suspended for more than 20 school days within the school year. If the student transfers to another school during the school year, the student can be suspended for a period of 30 school days within the school year.

If the student is suspended for any of the offenses listed below, the principal or the principal's designee must notify the school police or local law enforcement authority:

- suspected unlawful possession, use or distribution of drugs or alcohol;
- assault with a deadly weapon;
- possession or sale of narcotics or controlled substances;
- possession of a firearm; or
- possession of a dirk, dagger, ice pick, knife, razor, taser or stun gun, BB or pellet or other type of air gun.

These may also be grounds for expulsion. *See Student Discipline section of this Help Book.*

▪ **Expulsion**

California [Education Code Section 48925](#)(b) defines expulsion as the removal of a pupil from (1) the immediate supervision and control, or (2) the general supervision, of school personnel. In LAUSD, the Student Discipline and Expulsion Support (SDES) Unit is charged with ensuring that students recommended for expulsion are afforded a fair and impartial hearing and all due process rights. A student may be expelled without suspended enforcement (straight expelled) and, therefore, not be allowed to attend any LAUSD school or program during the term of expulsion. Or the enforcement of the expulsion may be suspended, pursuant to Education Code Section 48917, in which case, the expelled student could be assigned to an LAUSD alternative educational program for the term of the expulsion. The length of an expulsion may be for the balance of the semester in which the Board expels; for the balance of the semester plus the following school semester; or for one calendar year, depending on the violation and/or the student's social adjustment background.

Jurisdiction

The authority to issue suspensions or expulsions extends to misconduct related to school activity or attendance that occur at any time, including, but not limited to:

- While on school grounds.
- While going to or coming from school.
- During the lunch period, whether on or off the campus.
- During, or while going to, or coming from, a school-sponsored event.
- While riding on the school bus.

A teacher may suspend a student from class for any of the acts enumerated in Education Code Section 48900, except for misconduct of willful defiance as described in Education Code Section 48900 (k) as stated in the Board Resolution: School Discipline Policy and School Climate Bill of Rights. (See Grounds for Suspension/Expulsion in section below. If a student is suspended from the classroom, the teacher must immediately report the suspension to the principal for appropriate action. The principal shall then determine whether to suspend the student from school or to allow the student to remain on campus during the term of the classroom suspension. Only the school principal or his or her administrative designee may suspend a student from school. The term of a classroom suspension shall be no longer than the balance of the day (or class period for secondary classes) plus the following day (or next class period for that same class). A student serving a classroom suspension must remain on campus under appropriate supervision. Subsequent to a teacher's classroom suspension, the teacher shall, as soon as possible, ask the parent to attend a conference with the teacher, at which the school administrator, school counselor, or school psychologist may also be present. If the student has committed an obscene act or engaged in habitual profanity or vulgarity, the teacher may require that the parent/guardian attend a portion of the school day in his or her child's classroom.

Other Means of Correction

Suspension, including supervised suspension (such as in-school suspension and class suspension) shall be imposed only when other means of correction have failed to bring about proper conduct and/or safety is at risk. ([Education Code Section 48900.5](#)). Other means of correction used should be documented and kept in the student's discipline file, available to parent/guardian/educational rights holder pursuant to Education Code Section 49069.

Grounds for Suspension/Expulsion

(Starting at [Education Code Section 48900](#))

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a)(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to

any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

(e) Committed or attempted to commit robbery or extortion.

(f) Caused or attempted to cause damage to school property or private property.

(g) Stolen or attempted to steal school property or private property.

(h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.

(i) Committed an obscene act or engaged in habitual profanity or vulgarity.

(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

(k)(1) Disrupted school (-wide) activities (suspension only by an administrator; no expulsion) (Grade 4-12)

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm.

(n) Committed or attempted to commit a sexual assault or committed a sexual battery.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing.

(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act directed specifically toward a pupil or school personnel.

(s) Aided or abetted the infliction or attempted infliction of physical injury to another person (suspension only).

48900.2 Committed sexual harassment (Grade 4-12).

48900.3 Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (Grade 4-12)

48900.4 Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils (Grade 4-12).

48900.7 Made terroristic threats against school officials or school property, or both.

Circumstances for Recommending Expulsion

The principal or the superintendent of schools shall recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds, unless the principal or the superintendent of schools determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct ([Education Code Section 48915](#)):

- (a) Causing serious physical injury to another person, except in self-defense.
- (b) Possession of any knife or other dangerous object of no reasonable use to the student.
- (c) Unlawful possession of any controlled substance, except for either of the following:
 - i. The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - ii. The possession of over-the-counter medication for use by the student for medical purposes or medication prescribed for the student by a physician.
- (d) Robbery or extortion
- (e) Assault or battery upon any school employee.

The principal or superintendent of schools shall immediately suspend and shall recommend expulsion of a student that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- (a) Possessing, selling, or furnishing a firearm.
- (b) Brandishing a knife at another person.
- (c) Unlawfully selling a controlled substance.
- (d) Committing or attempting to commit a sexual assault or committing a sexual battery.
- (e) Possession of an explosive.

Behavior Intervention for Students with Disabilities

Students with disabilities whose behavior impedes learning require a Behavior Support Plan (BSP) developed through the Individualized Education Program (IEP) process and implemented throughout the timeframe of the IEP.

The education of children with disabilities can be made more effective through the use of positive behavioral interventions and supports to address the learning and behavioral needs of these children. Students with disabilities who exhibit behavioral challenges must receive timely positive supports and interventions and appropriate assessments in accordance with the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Sec. 1400 et seq.). When behavioral interventions, supports, and other strategies are used, they must be used in consideration of the student's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and ensure a student's right to placement in the least restrictive educational environment. It is the responsibility of

the Individualized Education Program (IEP) team to determine student needs based on assessment, and to generate meaningful goals and appropriate instructional and behavioral supports and services.

Suspension and Expulsion of Students with Disabilities

For students with disabilities, the law requires additional procedures and considerations:

▪ **Suspension**

Special Education: When a student who receives special education services is suspended, school staff must determine if an IEP meeting is needed to create a Behavior Support Plan (BSP) or to review and modify an existing BSP to organize more targeted behavioral instruction and intervention to prevent the recurrence of the misconduct. Continued misconduct resulting in suspension will require an IEP team meeting to determine if additional instructional and/or behavioral supports are needed and examine the appropriateness of current placement and services. The student cannot be suspended for more than 10 days in a school year. If the student has been suspended two times, or the total days of suspension accumulate to 5, 8, or 10 school days, an IEP meeting must be convened to determine appropriate services/placement.

Section 504: A student who has a Section 504 plan is considered as a general education student and can be suspended for the same number of days as a general education student, but at 10 days of suspension, there must be an analysis in a Section 504 Manifestation Determination Meeting to review and, if appropriate, modify the current Section 504 Plan, including developing a “Section 504 Behavior Support Plan.” If the team determines the conduct considered for suspension is a direct manifestation of the student’s disability or a result of the District’s failure to implement the Section 504 plan if one is in place, then alternatives to suspension must be considered.

▪ **Expulsion**

Special Education: Before a student who receives special education services can be recommended for expulsion, an IEP team must hold a pre-expulsion IEP and conduct a manifestation determination. If a student with disabilities is expelled, he or she is entitled to receive the services specified in his or her IEP during the term of expulsion. The student is also entitled to post-expulsion services (see Rehabilitation and Reinstatement from Expulsion below) during the term of expulsion. If the student is not expelled, he or she will be placed in the most appropriate setting as determined in the student’s IEP.

Section 504: An expulsion of a student being served under Section 504 is considered a disciplinary change of placement and can only be issued if the school’s Section 504 team conducts a manifestation determination and finds the conduct being disciplined is not a manifestation of the student’s disability and/or a result of the District’s failure to implement the student’s Section 504 Plan if applicable.

For more information, please refer to A Parent’s Guide to Special Education Services (Including Procedural Rights and Safeguards) or to Section 504 Parent Procedural Safeguards found in BUL-4692.6, Section 504 of the Rehabilitation Act of 1973.

Appeal of Disciplinary Action

Challenges or objections to suspensions and opportunity transfers may be addressed directly with the Local District. Students who are recommended for expulsion have a right to an expulsion hearing and to

address the Board of Education before the Board makes the final decision to expel. An expulsion appeal can be made to the Los Angeles County Office of Education.

Rehabilitation and Reinstatement Form Expulsion

Pursuant to California [Education Code Sections 48916](#) and [48916.1](#) and Assembly Bill 922, the LAUSD established the AB 922 Student Discipline and Expulsion Support (SDES) Unit in part to provide mandated services and facilitate rehabilitation for all expelled students. This state-mandated program is designed to facilitate the provision of educational and support services for all expelled students. Core program services include:

- Facilitating appropriate and timely educational placements for all expelled students
- Conducting thorough AB 922 student/parent intake assessments and developing rehabilitation plans
- Monitoring student social, behavioral and academic progress
- Providing direct support service
- Consulting, collaborating, and coordinating services with District, school staff and community agency personnel
- Facilitating the Reinstatement Review Committee for students who have met eligibility criteria in the areas of academic achievement, attendance, and social adjustment
- Per the Delegation of Authority, recommending reinstatement on behalf of the Board of Education, and placing students in appropriate educational programs after reinstatement
- Providing ongoing services to students not recommended for reinstatement.

Please call the Student Discipline and Expulsion Support Unit for more Information: (213) 202-7555.

STUDENT RECORDS

State and federal laws protect the privacy of students and require the District to keep student records confidential. Principals or administrators should operate under the assumption that student records cannot be released to outside requestors unless they are certain that release is authorized. (Exceptions to this are listed in Access to Pupil Records section below.)

A “pupil record” is any item of information directly related to a pupil, other than directory information, which is maintained by the school, the District, or required to be maintained by an employee in the performance of his or her duties, whether recorded by handwriting, print, tapes, film, microfilm or other means. The rules regarding student health records are more stringent than those concerning other student records. Health records must be kept separate from other student records. Special handling procedures are discussed below.

Pupil records do not include informal notes compiled by a school officer or employee that remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute teacher.

Parents have an absolute right to review and obtain copies of their child’s records. For the purposes of access to student records, a “parent” is defined as a natural parent, an adoptive parent, or a legal

guardian. A step parent who has not adopted the child does not qualify as a parent or guardian. Students who are over the age of 18 or who are emancipated by court order have the same rights as parents. Copies of requested records must be given to parents within five business days after they are requested. Unless authorized by statute, judicial order, or parental consent, the District is generally not authorized to permit any third parties to have access to pupil records (Exceptions to this general rule are listed in Access to Pupil Records section, below.)

The District may grant access to pupil records to any individual if a parent has executed and delivered to the District a written consent that specifies the records to be released and identifies the third party to whom the records are to be released. If a principal or an administrator releases records to a third party, he/she must notify the third party that the disclosure to others of the information in the records without written consent of the parent is prohibited by statute.

Access to Pupil Records

California [Education Code Section 49069](#) provides that parents of currently enrolled or former pupils have an absolute right to access the pupil records of their children. A school may not edit or withhold pupil records, except as specifically provided by law. Once the parent has requested records, the school must provide the parent access (i.e., the right to inspect and review) to the records within five business days.

The right to access student records is afforded to both custodial and non-custodial parents. On the other hand, only a parent having legal custody may challenge the content of a pupil record.

If both parents have joint legal custody, regardless of the physical custody arrangements, both may participate in parent-teacher conferences and attend other meetings that may have an impact on the student's life, even if the meetings occur on days when the parent does not have physical custody of the child.

Access to pupil records may be granted to any person for whom a parent of the pupil has executed written consent. ([Education Code Section 49075](#)) A school district is not authorized to permit access to pupil records to any person without written parental consent or a judicial order except as provided in state and federal law. FERPA generally protects students from the unauthorized disclosure of "personally identifiable information" from their educational records to non-school persons. Educational records are broadly defined as "records that are (1) directly related to a student, and (2) maintained by an educational agency or institution or by a party acting for the agency or institution."¹ Even under this broad definition of "educational records," there are types of information that schools might have that do not count as student records and therefore are not subject to FERPA. This means that none of the rights or responsibilities attached with FERPA applies to these pieces of information. The following are not considered protected educational records: information that is kept in the sole possession of the maker that is not accessible to anyone else (e.g. a principal's personal notes on a meeting) and records

¹ See 34 C.F.R. § 99.3.

of a law enforcement unit of the educational agency. Importantly, oral conversations are not considered part of an educational record.

Although educational records are generally protected from disclosure, there are a few relevant exceptions. Schools do not need prior consent to disclose “directory information” to non-school officials unless the parent has opted out. Directory information is information in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Another exception is that parental consent is not required in order for the educational institution to comply with a judicial order or a lawfully issued subpoena. It is important to consult with the Office of the General Counsel when a subpoena for educational records or judicial order is presented to the school.

Some of the exceptions permit the District to give the access to student records to:

- School officials and District employees, including Student Attendance Review Board (SARB) members, with a legitimate educational interest;
- A student 16 years of age or older, or who has completed the 10th grade, who requests access;
- A District Attorney in connection with a truancy mediation program;
- A probation officer or District Attorney for purposes of conducting a criminal investigation, or an investigation for the purpose of declaring a person a ward of the court;
- Law Enforcement in connection with an abduction case (enrollment/contact information);
- A school district where a student intends to enroll;
- Foster family agencies that have jurisdiction over currently enrolled or former pupils; and
- Military Recruiters for directory information of juniors and seniors in high school.

For a more detailed discussion of access to pupil records, refer to [Bulletin No. 2469 Pupil Records: Access, Confidentiality, and Notice of Educational Rights](#) or contact the Office of the General Counsel.

Transfer of Permanent Records

When a pupil transfers to another school district or to a private school, a copy of the pupil’s permanent record must be transferred to the new school district or private school. The District does not have the discretion to refuse or delay the transfer of the copy of the pupil’s records to the new school district or school for any reason. The District may not delay transfer of the copy of a pupil’s records to another school district because the pupil or the pupil’s parents owe fees or monies to the District, the pupil has cut, defaced, or damaged District property, or the pupil failed to return a book.

STUDENT SEARCHES; DETAINING STUDENTS

Generally, students have a constitutional right to privacy and their persons or possessions are not subject to search.

Searches may be conducted under the following circumstances:

- There is reasonable suspicion that student has violated or may violate a school rule (i.e., smoking on campus) or criminal statute (e.g., possession of gun, robbery, possession of drugs);

- The scope of the search is reasonably related to the objectives of the search;[4] and
- The search is not excessively intrusive in light of the nature of the infraction and the student’s age and gender.

No one other than school administrators, teachers, or school police officers may search a student while the student is on school property; they may also search any items under the student’s control (e.g., locker, backpack, purse, car, etc.). School officials may detain and question a student even if they do not have a reasonable suspicion that the student has violated or may violate a school rule or criminal statute.

Student Searches

The Fourth Amendment of the United States Constitution protects students from unlawful searches. However, the law allows school officials to conduct searches of students under certain limited circumstances.

▪ Searches Based on Reasonable Suspicion

If a student has engaged in conduct that causes an administrator to have a reasonable suspicion that the student has committed, or is about to commit a crime, has violated laws or school rules, the administrator may conduct a search of that student. In order to conclude the search lawfully the administrator must:

- Be able to articulate the reasons for his or her suspicion and the facts and/or circumstances surrounding a specific incident ;
- Be able reasonably to connect the student to a specific incident, crime, rule or statute violation;
- Have relied on recent, credible information from personal knowledge and/or other eyewitnesses; and
- Ensure that a search based on reasonable suspicion is not excessively intrusive in light of the student’s age and sex and the nature of the offense.

When conducting a student search based on reasonable suspicion, school officials must adhere to the following practices:

- Search only if there are clear and specific reasons for suspicion and there are facts that connect the student to a specific incident of misconduct
- Jackets, purses, pockets, back packs, bags and containers in the student’s possession may be searched to the extent reasonably necessary
- No “body” or “strip” searches are allowed
- Only school officials of the same sex as the student searched may conduct the search
- Searches based on reasonable suspicion must be conducted in a private area where the search will not be visible to other students or staff (except for a school administrator witness)

▪ Random Metal Detector Searches

California courts and the California Attorney General's Office have approved the use of random metal detector searches for weapons. Random use of metal detectors is appropriate only if:

- The method of selection of students to be searched is genuinely random.
- Students selected to participate in random metal detector searches are selected without regard to personally identifiable characteristics such as race, sex, surname, group affiliations or past history of misconduct.
- The searches are minimally intrusive.
- School officials provide parents and students with advance and detailed notice of the random metal detector search procedures.

If, as a result of a metal detector search, reasonable suspicion exists that a particular student may have a weapon, school officials may conduct a search of that student in a private area, in accordance with the above guidelines for reasonable suspicion searches.

Impermissible Searches

School employees must not conduct body cavity searches. In addition, they must not remove or rearrange a student's clothing in order to permit a visual inspection of the student's underclothing, breasts, buttocks, or genitalia.

Please refer to [BUL-5424.2 Administrative Searches to Ensure School Safety](#) for detailed District guidelines and procedures.

STUDENTS WITH SPECIAL NEEDS

The law provides comprehensive protections for students with special needs. Please visit Special Education Division's website at <https://achieve.lausd.net/sped> for information and resources related to District's services to students with special needs.

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act defines special education as: "Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability."

Special education ensures that the unique needs of students with disabilities are met through additional services, supports, programs, specialized placements, or environments. Special education services are provided to eligible students at no cost to families. The core purpose of special education is to provide specially designed instruction and intervention, as well as to give students with disabilities access to the same educational programs and/or activities that are available to their nondisabled peers.

The LAUSD Division of [Special Education Policies and Procedures Manual](#) provides the concepts and framework to understand how to effectively implement a special education program, delivery services, and other procedures including assessments, eligibility, search and serve, complaint procedures, conducting IEPs, etc.

Administrators and school personnel share in the responsibility to ensure that special education laws are being followed. Questions regarding special education process should be directed to your local district Special Education Administrator, the Division of Special Education, or the Office of the General Counsel.

Section 504 and the Americans with Disabilities Act

LA Unified is committed to providing a working and learning environment that is free of discrimination, harassment, intimidation and bullying. The District affirms that no qualified student with a disability shall, on the basis of that disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, harassment, intimidation and bullying under any District program or activity. Disability-based harassment is a form of discrimination under both Federal and State law that may result in a denial of a free appropriate public education (FAPE) to the student or the denial of an equal opportunity to an education or a FAPE.

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a Federal civil rights statute that prohibits discrimination/harassment on the basis of a disability in any program or activity receiving Federal financial assistance.

The Americans with Disabilities Act (ADA) is a civil rights law that also prohibits discrimination on the basis of disability by public institutions. The ADA was amended by the Americans with Disabilities Act Amendments Act (ADAAA) in 2008 and went into effect January of 2009. The intent of the ADAAA was to emphasize a broader application of the definition of disability under the ADA and Section 504, in order to supersede court decisions that had resulted in too narrow an interpretation of disability. The new law also eliminated the consideration of the ameliorative effects of mitigating measures when determining whether a student has a disability, though they remain relevant when evaluating students' needs for accommodations/services. The expanded definition of disability means more students may be eligible for Section 504 nondiscrimination protections whether or not they currently need Section 504 accommodations/services and a plan.

A student with a disability under Section 504 means any student who:

- Has a disability, which substantially limits one or more of the student's major life activities. Note: Major life activities may include but are not limited to functions such as bending, breathing, caring for one's self, communicating, concentrating, eating, hearing, learning, lifting, performing manual tasks, reading, seeing, sleeping, standing, speaking, thinking, walking, and working. Major life activities may also include, but not be limited to: functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- Has a record of such a disability; or
- Is regarded as having such a disability.

It is important to note that that any student eligible for special education and related services is also protected from discrimination under Section 504, but that not all students who are protected from discrimination under Section 504 meet the eligibility requirements for special education and related services or a Section 504 Plan. A student who is suspected of requiring special education and related services should be referred for a special education assessment as described in the Special Education

Policies and Procedures Manual. A student who is suspected of requiring formal accommodations to ensure access to the general education setting, should be referred for an evaluation under Section as indicated in BUL-4692.6, Section 504 of the Rehabilitation Act of 1973. Also, if an IEP team finds the student is not eligible for special education, but suspects the student has a disability, it may refer the student for the Section 504 evaluation process.

Procedures

Compliance with Section 504 is the responsibility of all school personnel and the operational responsibility of the general education program.

For students who have a disability which substantially limits one or more of their major life activities under Section 504, the school must ensure access to the programs, services, and activities that are available to nondisabled students, and provide accommodations/services that the students require to access the educational program. This is done through a Section 504 evaluation conducted by a team of individuals who are knowledgeable about the student, the data gathered, and/or the accommodations/services.

Section 504 sets forth evaluation procedures to determine eligibility, to develop an accommodations/services plan, and to provide procedural protections. It also protects individuals with disabilities from discrimination/harassment. Harassment is unwelcome physical, verbal/non-verbal, or visual conduct that is severe or pervasive, that unreasonably disrupts an individual's educational or work environment, or that creates a hostile educational or work environment.

Child Find requirements for Section 504 are satisfied through the annual distribution of the District's Parent/Student Handbook, and the Section 504 and Students with Disabilities brochure.

Detailed information regarding the identification, evaluation and provision of accommodations for students who may qualify under Section 504 are contained in [Bulletin No. 4692.6 Section 504 of the Rehabilitation Act of 1973](#) and REF-6241.3 Mandatory Use of the Welligent Section 504 Program Module to Conduct All Section 504 Activities. Additional assistance is available through the Educational Equity Compliance Office at (213) 241-7682 or by visiting their website: <https://achieve.lausd.net/Section504>.

SUBPOENAS

A subpoena is an order, usually issued in the name of a court or an administrative agency commanding a person to appear before and/or to produce designated documents to the court or agency.

Compliance with a subpoena by the date designated in the subpoena is mandatory. Failure to comply may result in contempt proceedings, arrest, or a finding of personal liability.

A subpoena does not become a binding legal document until it is "served" on the individual named on the document. The law usually requires that service of a subpoena be accomplished by personal delivery to the person designated.

Please review [BUL-3489.0 Procedures for Accepting Service of Summons, Complaints and Subpoenas](#) for details and guidelines for handling and processing subpoenas.

The District will not accept service of subpoenas that are not related to the official business of the District. Subpoenas seeking student records may be accepted by school administrators. Subpoenas for employee or payroll records should be served with Employee Relations or Payroll Division. All other subpoenas concerning official District matters should only be accepted by the Board Secretariat.

When service of a subpoena is attempted at school, the school should determine to whom the subpoena is directed. If the subpoena concerns an employee's personal legal matter rather than a District legal matter, the person or entity serving the subpoena should be directed away from school campuses and offices and told to conduct their business away from District property. District employees are not authorized to accept service on behalf of another employee. The process server must personally serve the employee specifically identified by name in the summons and complaint.

If the subpoena involves official District business, the school administrator should respond as follows:

- If the subpoena seeks student records, the school administrator may accept service. If the school administrator accepts service, he or she should immediately contact the Office of General Counsel. OGC staff will advise what actions are appropriate.
- If the subpoena seeks any other District records, the school administrator should not accept service, but should direct the process server to the Board Secretariat which will accept service and notify the appropriate division or section, as well as the Office of General Counsel.
- If the process server leaves the subpoena even though the school or office has refused to accept service, clearly inform the server that you are not accepting service and are not authorized to accept service for District. After the process server leaves, fax a copy of the subpoena to the Board Secretariat and the Office of General Counsel, explaining how it was served.

If the subpoena is for appearance at a court proceeding or deposition in a matter related to the employee's employment by the District, contact the Office of General Counsel immediately for guidance.

THE OFFICE OF THE INSPECTOR GENERAL

The mission of the Office of the Inspector General ("OIG") is to promote integrity and credibility in the District by conducting audits and investigations to detect and prevent waste, fraud and abuse and to identify opportunities for improving efficiency and effectiveness.

The OIG Organization

The OIG consists of the following two offices: (1) The Office of Audits, and (2) The Office of Investigations. The Office of Audits conducts audits of District Programs and systems to evaluate the economy, efficiency, and effectiveness of its operations and to determine if they are operating in accordance with applicable laws and regulations.

Authority of the Inspector General

The Inspector General reports directly to the Board of Education. The OIG Charter sets forth the Inspector General's authority and responsibilities, and authorizes the OIG to audit and investigate any

and all functions within the District. Under the Charter, the OIG is not an authorized law enforcement agency.

Under [Education Code Section 35400](#), the OIG is authorized to subpoena witnesses, administer oaths and affirmations, take testimony and compel the production of information, documents, records, answers and other evidence that reasonably relate to an inquiry or investigation when the OIG has a reasonable suspicion that a law, regulation, rule or district policy has been violated or is being violated.

Under [Education Code Section 35401](#)(a), the OIG is required to report illegal activity on a timely basis to the local District Attorney or the Attorney General. Every investigation must be kept confidential.

Fraud Prevention

District Employees and private citizens who have knowledge of fraud, waste or other type of abuse in the District can contact the OIG by calling the Fraud Hotline at (213) 241-7778 or toll-free at (866) 528-7364 or by written communication/completing the [Fraud, Waste, and Abuse Reporting Form](#).

Contacting the Office of the Inspector General

Go to the Office of the Inspector General web site on the internet at <http://achieve.lausd.net/Page/775> for details on how to contact the Inspector General's Office and for information regarding the Fraud Hotline.

For those who request anonymity when contacting the OIG, their identity will be kept confidential. Additionally, all employees are protected by law from acts of reprisal, retaliation, threats or similar improper acts by the District or other District employees for having disclosed improper governmental activities.

What to do if contacted by the Office of the Inspector General

The Office of the Inspector General is authorized to conduct interviews, collect data and information, review records and documents related to all audits or investigations. If you are contacted, it does not necessarily mean that you or your staff have been accused of wrongdoing or are going to be criticized. It is very important that all information requested by the Office of the Inspector general is provided as quickly as possible, and all persons who are asked to be interviewed cooperate fully and truthfully. [District Bulletin No. I-1 Response to Audit Findings and Recommendations](#) outlines the procedures for preparing and submitting responses to audit findings and recommendations issued by the Office of the Inspector General. If you have any questions about the audit or investigation process, contact the Inspector General's Office directly.

TITLE IX AND STUDENTS

Based on Federal law, Title IX, State law and District policy, no student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of actual or perceived sex, sexual orientation, and gender (including gender identity, gender expression, marital status, parenting, pregnancy, childbirth, false pregnancy, termination of pregnancy or related medical condition). Male and female students have the right to equal learning opportunities in their schools and must be treated the same in all District educational activities and programs, including:

- Athletics
- Physical education
- The classes they can take
- The way they are treated in the in educational programs and activities
- The kind of counseling they are given
- The extracurricular activities, programs and clubs in which they can participate
- The honors, special awards, scholarships and graduation activities in which they can participate

Complainants desiring a discrimination complaint under Title IX should be encouraged, where possible, to try to resolve their complaints directly at the school or work site or in their local district office per the informal and formal complaint procedures identified in BUL-2521.2, Title IX Policy/Complaint Procedures. For information or assistance in formally responding to a discrimination/harassment complaint (see Uniform Complaint Procedures, [BUL-5159.8 Uniform Complaint Procedures](#)) related to discrimination, harassment, intimidation and/or bullying of students based on the actual or perceived characteristics listed above, contact your Local District Administrator of Operations or the Educational Equity Compliance Office at (213) 241-7682 and at <http://achieve.lausd.net/eeco>. Employees may also use the complaint procedure described in the Employee Complaints section, above.

Pregnant Students

The District is committed to the protection of the educational rights of pregnant and parenting students. Pregnant and parenting students, regardless of their marital status, have the same right as any other student to attend any District school or program and to do so in an environment free of discrimination or harassment. The District shall make reasonable accommodations for pregnant and parenting students so that no student is excluded from participation in schooling or District activities such as participation in graduation, awards, ceremonies, field trips, student clubs, councils, afterschool activities, and any other school-related programs they are otherwise qualified for. Accommodations may include. Such accommodations, implemented on a case-by-case basis, may include, but are not limited to:

- Providing hall passes for bathroom use as needed
- Scheduling classes in more accessible locations
- Providing a larger desk or work space
- Allowing elevator access when needed and possible
- Allowing additional time for passing periods and nutrition and lunch
- Providing modified activities in physical education programs when requested by the student and medical provider
- Arranging for school-based independent study during an extended pregnancy-related medical absence
- Allowing scheduling flexibility whenever possible to enable full participation and reduce school absences due to medical concerns
- Providing a place for lactating students to express milk

Pregnant and parenting students of either gender should be given a fact sheet outlining educational rights, titled “Know Your Rights: Pregnant and Parenting Students” to provide students with important information about their rights, their responsibility to continue attending school, educational options and

information regarding assistance available. Please refer to [BUL-2060.1, Pregnant and Parenting Students Educational Rights](#) for more information.

Students who feel that their rights are being violated have the right to take action and are encouraged to resolve a situation by speaking to a school administrator, Title IX/Bullying Complaint Manager, psychologist, counselor, or trusted adult at school, or filing a complaint (see Uniform Complaint Procedures). Students are encouraged whenever possible to try to resolve their complaints directly at the school site. Any student who believes he or she is being discriminated against in violation of Title IX has the right to file a complaint as indicated in the Title IX section above. For further information or assistance, contact your Local District Administrator of Operations or the Educational Equity Compliance Office, by calling (213) 241-7682 or writing to 333 S. Beaudry Avenue, 20th Floor, Los Angeles, CA 90017. More information regarding Title IX can be found [here](#).

TRANSPORTATION

Students transported in a school bus are under the authority of, and responsible directly to, the driver of the bus.

California Code of Regulations, Title 5, Section 14103 states, in part, "Pupils transported in a school bus shall be under the authority of, and responsible directly to, the driver of the bus. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reason for a pupil to be denied transportation." Thus, the driver is the responsible authority on the school bus.

In an effort to clarify the driver's authority, the Board of Education has enacted several Board Rules. Collectively, these Board Rules define a standard of conduct for students on buses and explain the driver's disciplinary powers.

Board Rule 2255 states that pupils riding school buses shall observe the following rules: (a) remain seated, (b) refrain from loud conversation or boisterous conduct, (c) keep all parts of the body inside the bus, (d) eat no food on the bus, and (e) wear no athletic shoes equipped with cleats or spikes. Board Rule 2256 states that a bus driver may deny transportation to pupils for not more than three days for continued disorderly conduct or persistent refusal to submit to authority as provided in California Code of Regulations, Title 5 Section 14103. Board Rule 2257 states that students may be disciplined for misbehavior on buses when such misbehavior consists of continued refusal to comply with rules set forth in Board Rule 2255, any action that endangers the safety of other bus pupils, refusal to comply with the authority of the bus driver, persistent minor offenses that distract the driver's attention from driving.

The following are recommended procedures when an administrator learns of a disturbance caused by a student on a school bus:

- Secure disturbance report from driver;
- Carefully review any disciplinary actions taken by driver;
- Require strict adherence to bus conduct rules;
- Administer appropriate disciplinary action when necessary;

- Notify parent of offenses requiring suspension of bus privileges; call parent conference;
- Contact the School Police Department when damage occurs;
- Use Student Attendance and Adjustment referral services when necessary;
- Advise Local Superintendent of suspension of bus privileges.
- Complete an ISTAR if necessary

Guidelines for suspension for misconduct on District’s school bus and procedures for suspension of bus privileges are detailed in [BUL-6385.0 Guidelines and Procedures Relating to Student Behavior on School Bus](#)

TRESPASSING/LOITERING

The District and its employees bear a reasonable responsibility to keep the school safe from those who could harm students or other employees. For this reason, all visitors to a school must sign in and obtain the permission of the school administrator before entering a school campus. Administrators have the authority to prevent disorderly or disruptive visitors from remaining on campus and to return to campus. Laws have been enacted that restrict and condition access to school campuses and impose criminal penalties on persons violating these laws. (Penal Code, starting with section 626.2)

Schools should post the following sign at the main entrance to the school:

WELCOME SCHOOL VISITORS

In order to protect the students and the integrity of the school facility, all school visitors are required to enter through the main entrance and advise the principal of their presence and business.

No person shall visit or audit a classroom or other school activity, nor shall any person remain on school premises, without the approval of the principal or authorized representative. (LAUSD Board Rule 1265)

It is unlawful for visitors to remain on school grounds in violation of these rules. (L.A.M.C. 63.94)

Students and others are prohibited from lingering about schools for the purpose or with the intent of perpetrating a criminal act. If you observe someone trespassing or loitering, advise them to leave or call the school police or local law enforcement.

[BUL-6492.2 Visitors To School Campuses and Locked Campuses During Class Hours at All Schools](#)

[BUL-6826.0 Disruptive Person Letter](#)

USE OF SCHOOL PROPERTY

Rules governing the use of the school facilities for meetings come from two different sets of statutes. If the intended user is an outside organization (at any kind of school), the rules are supplied by the California Civic Center Act, [California Education Code Section 38131](#) et seq. If the intended user is a school club in a secondary school, the federal Equal Access Act of 1984, 20 U.S.C. § 4071, applies.

Use of School Property as “Civic Center”

The California Civic Center Act states that there is a “civic center” at every public school where various organizations formed for “recreational, educational, political, economic, artistic, or moral activities” may (1) engage in supervised recreational activities and (2) meet to discuss subjects and questions that pertain to the educational, political, economic, artistic, charitable, and moral interests of the citizens of the communities in which they reside.

Under the Civic Center Act, the governing board of any school district may allow outside organizations to use school facilities. If a school district chooses to give these groups permission to use the district’s facilities, the district may have the right to collect certain fees. The Civic Center Act defines the circumstances under which the school district is authorized to collect a fee for use of the facilities, and the amount.

By law, the school district remains liable for any injuries resulting from negligent ownership or maintenance of the property. The group using the facility will be liable for any negligent use of the property.

By Board Rule 1301 and 1302, Los Angeles Unified School District authorizes the use of its school facilities on a non-discriminatory basis, consistent with the rules set out in the Civic Center Act, as long as (1) the intended use does not interfere with the primary function of the school, i.e., class work, (2) the group acts lawfully, and (3) the group opens its meetings to anyone. In order to qualify for a Civic Center permit, the:

- Activity must be not-for-profit and open to the public.
- Activity must take place during non-school hours (i.e. afterschool, weekends, and holidays).
- A Certificate of Insurance is required for the use of all LAUSD owned facilities. The Certificate of Insurance must be approved by LAUSD Division of Risk Management and Insurance Services, before execution of permit.

For more information about different types of school facility uses, see BUL-6894.1, Procedures for Third Party Use of School Facilities.

Groups wishing to use school facilities should apply in writing to the District’s Civic Center Permit Office. For more info regarding Civic Center Permits, including costs and forms, please visit

<http://www.laschools.org/new-site/healthy-spaces/civic-center-permits>.

Use of Secondary School Facilities by School Clubs

The 1984 Equal Access Act makes it unlawful for any public secondary school receiving federal financial assistance to withhold permission for use of its facilities during non-instructional time by certain student groups because of the religious, political, or philosophical content of speech.

[BUL-5072.0 Meetings of Student Groups](#) provides comprehensive guidelines for compliance with this federal legislation. To request permission to use the facilities, students should submit a written request to the school principal. Schools will be in compliance with the Equal Access Act if:

- The meeting is voluntary and student-initiated;
- The meeting takes place during non-instructional time;

- No sponsor is required or provided;
- Meetings are supervised by an adult staff person. It is recommended that a certificated employee be assigned to supervise the meetings, however, the staff member or certificated employee should be present strictly in a non-participatory capacity;
- Non-school persons do not direct, conduct, control or regularly attend the group meetings; and
- Students do not use school facilities to publish or otherwise disseminate matter that is obscene to minors, is libelous, incites students to commit unlawful acts, or expresses or advocates racial, ethnic, gender or religious prejudice.

Please refer any further questions regarding this topic to the Office of General Counsel.