

**Policy 5145.3: Nondiscrimination/Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 06/05/2020 | **Last Revised Date:** 02/03/2022

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within Eden Area Regional Occupational Program (Eden Area ROP), and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

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

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

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

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

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the Eden Area ROP's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the Eden Area ROP's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the Eden Area ROP's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the Eden Area ROP's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

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

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

**Record-Keeping**

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

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

	<b>Description</b>
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor - <a href="https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==">https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==</a>
Ed. Code 200-262.4	Prohibition of discrimination - <a href="https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==">https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==</a>
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. code 49060-49079	Student records
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Prohibited means of instruction
Ed. Code 60044	Prohibited instructional materials
Gov. Code 11135	Prohibition of discrimination - <a href="https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKALOEtfQ==">https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKALOEtfQ==</a>
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

**Federal References**

	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 104.8	Notice
34 CFR 106.8	Designation of responsible employee for Title IX
34 CFR 106.9	Severability
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act

42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

**Management Resources References**

**Description**

CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017
First Amendment Center Publication	Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
U.S Dept of Ed Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Dept. of Health & Human Services Publication	Guid. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013
U.S. DOE, Office for Civil Rights Publication	Notice of Non-Discrimination, Fact Sheet, August 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	First Amendment Center - <a href="https://simbli.eboardsolutions.com/SU/jzlfta62CjSCuo68JOXF1w==">https://simbli.eboardsolutions.com/SU/jzlfta62CjSCuo68JOXF1w==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	California Safe Schools Coalition - <a href="https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==">https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==">https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==</a>

**Cross References**

**Description**

0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==">https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==</a>
0415	Equity - <a href="https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==">https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/lkd0OQyrdrn0CMAAnaMO7MAw==">https://simbli.eboardsolutions.com/SU/lkd0OQyrdrn0CMAAnaMO7MAw==</a>

1114 District-Sponsored Social Media -  
<https://simbli.eboardsolutions.com/SU/DrRYIAkWzbu02sJcWkya9Q==>

1114 District-Sponsored Social Media -  
<https://simbli.eboardsolutions.com/SU/4rkxjWrEmtNQNDmUslsho2o2A==>

1240 Volunteer Assistance -  
<https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==>

1240 Volunteer Assistance -  
<https://simbli.eboardsolutions.com/SU/YCbehdu5XHV0vJxUuUnGiw==>

1312.1 Complaints Concerning District Employees -  
<https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==>

1312.1 Complaints Concerning District Employees -  
<https://simbli.eboardsolutions.com/SU/UfrhTFRxuKf8z4GXGxqRg==>

1312.3 Uniform Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/NCIO1x8xFCdtQRniKVfQQ==>

1312.3 Uniform Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/BA1WWI3efmslshPOPghyV4WnQ==>

1312.3-E PDF(1) Uniform Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==>

1313 Civility -  
<https://simbli.eboardsolutions.com/SU/BxJMQDuDpEErhDnhTU2k1g==>

1340 Access To District Records -  
<https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==>

1340 Access To District Records -  
<https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==>

3515.4 Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==>

3530 Risk Management/Insurance -  
<https://simbli.eboardsolutions.com/SU/Ff4ia0AAsaMygDrG5pM2hQ==>

3530 Risk Management/Insurance -  
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3580 District Records -  
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3580 District Records -  
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4112.6 Personnel Files -  
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4112.9 Employee Notifications -  
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4112.9 Employee Notifications -  
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4112.9-E PDF(1) Employee Notifications -  
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4118 Dismissal/Suspension/Disciplinary Action -  
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4119.21 Professional Standards -  
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4119.21-E PDF(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/BnwnWmUC86HO6A1Pv8TC5Q==>

4119.23 Unauthorized Release Of Confidential/Privileged Information -  
<https://simbli.eboardsolutions.com/SU/plusx7quvYJcRgCQGf9vm10iQ==>

4131 Staff Development -  
<https://simbli.eboardsolutions.com/SU/uP83U93Ls7bxBnKbH0uyyg==>

4131 Staff Development -  
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4212.6 Personnel Files -  
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4212.9 Employee Notifications -  
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4212.9 Employee Notifications -  
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4212.9-E PDF(1) Employee Notifications -  
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4218 Dismissal/Suspension/Disciplinary Action -  
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4218 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==>

4219.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjB566xoOQQ==>

4219.23 Unauthorized Release Of Confidential/Privileged Information -  
<https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==>

4231 Staff Development -  
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4231 Staff Development -  
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4312.6 Personnel Files -  
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4312.9 Employee Notifications -  
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4312.9 Employee Notifications -  
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4312.9-E PDF(1) Employee Notifications -  
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4319.21 Professional Standards -  
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4319.21-E PDF(1) Professional Standards -  
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4319.23 Unauthorized Release Of Confidential/Privileged Information -  
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4331 Staff Development -  
<https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==>

5000 Concepts And Roles -  
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5111 Admission -  
<https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==>

5113.1 Chronic Absence And Truancy -  
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5113.1 Chronic Absence And Truancy -  
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5125 Student Records -  
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5125 Student Records -  
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5125.1 Release Of Directory Information -  
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5125.1 Release Of Directory Information -  
<https://simbli.eboardsolutions.com/SU/7Rrvy7ihe3wXkO8fqafa6A==>

5125.3 Challenging Student Records -  
<https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==>

5131 Conduct -  
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5131.2 Bullying -  
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5131.2 Bullying -  
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5131.5 Vandalism And Graffiti -  
<https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==>

5132 Dress And Grooming -  
<https://simbli.eboardsolutions.com/SU/XpL7yioSw0lKNxjRhRzD6g==>

5132 Dress And Grooming -  
<https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==>

5137 Positive School Climate -  
<https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==>

5141.22 Infectious Diseases -  
<https://simbli.eboardsolutions.com/SU/QbJVAQdmFtsJCaENTJI98g==>

5141.22 Infectious Diseases -  
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5141.4 Child Abuse Prevention And Reporting -  
<https://simbli.eboardsolutions.com/SU/mkBG513idfpAslshWCrzplusbg7A==>

5141.4 Child Abuse Prevention And Reporting -  
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5141.4-E PDF(1) Child Abuse Prevention And Reporting -  
<https://simbli.eboardsolutions.com/SU/w7dygQRxCINI6WdppB70ow==>

5141.52 Suicide Prevention -  
<https://simbli.eboardsolutions.com/SU/abGkpdKF4AuSlcVZO0lw==>

5141.52 Suicide Prevention -  
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5144 Discipline -  
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5144 Discipline -  
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5144.1 Suspension And Expulsion/Due Process -  
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5144.1 Suspension And Expulsion/Due Process -  
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5144.2 Suspension And Expulsion/Due Process (Students With Disabilities) -  
<https://simbli.eboardsolutions.com/SU/5EP8MG5FhmIVJZpluscDbKDHw==>

5145.12 Search And Seizure -  
<https://simbli.eboardsolutions.com/SU/LaRzDg0Z2A4vlpZOVGdlw==>

5145.2 Freedom Of Speech/Expression -  
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5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4Tl1A==">https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4Tl1A==</a>
5145.6	Parent/Guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/euTjsH5FkRHgS9FlabDM2g==">https://simbli.eboardsolutions.com/SU/euTjsH5FkRHgS9FlabDM2g==</a>
5145.6-E PDF(1)	Parent/Guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/4Sc4OplusYjRnrF0boRrsIshnizw==">https://simbli.eboardsolutions.com/SU/4Sc4OplusYjRnrF0boRrsIshnizw==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==">https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/gwEZwjnjshlshDBnbnmXH3BRqig==">https://simbli.eboardsolutions.com/SU/gwEZwjnjshlshDBnbnmXH3BRqig==</a>
5145.71	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/p5Ktg9A5BE8gDAJDuuH3LQ==">https://simbli.eboardsolutions.com/SU/p5Ktg9A5BE8gDAJDuuH3LQ==</a>
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/ptilHvEslshFyOvkZqZyIRgkQ==">https://simbli.eboardsolutions.com/SU/ptilHvEslshFyOvkZqZyIRgkQ==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==">https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/3HBAgVCJG330xslshcpcckRplus5A==">https://simbli.eboardsolutions.com/SU/3HBAgVCJG330xslshcpcckRplus5A==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==">https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcM9LYvUplusqAHSqmQO2etA==">https://simbli.eboardsolutions.com/SU/dcM9LYvUplusqAHSqmQO2etA==</a>
6161.1	Selection And Evaluation Of Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/ZlFkrhoPwYZcOtBW3P3Vtw==">https://simbli.eboardsolutions.com/SU/ZlFkrhoPwYZcOtBW3P3Vtw==</a>
6161.1	Selection And Evaluation Of Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/cQplusV1BtOQq9adCb0ypR4gw==">https://simbli.eboardsolutions.com/SU/cQplusV1BtOQq9adCb0ypR4gw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E PDF(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>