

May 3, 2002

To: Schools Legal Service Clients

From: Schools Legal Service

Re: Annual Notice to All Parents

Education Code section 48980 and other various statutes require school districts to give written notification to parents on an annual basis regarding programs, rights, and services. This notice is to be sent at the beginning of the first semester or quarter. Each year we prepare an updated model of this notice for our clients.

This model is designed to provide a guideline for you to follow in preparing your district's notice. You will note that certain information is generic and can be copied from the sample. However, other portions require information that describes your district's particular program, policy, or situation. You will need to tailor your notice to fit your district's situation.

Revisions for the 2002-2003 notice are in bold italic print and are for your convenience only. This will assist you in making the necessary changes in your previous notice.

Information is included regarding the requirement to translate the notice into other languages. If your district prepares a Spanish version (or any other language), we would like to have a copy of it to disseminate to districts that request one.

The Annual Notice to Parents is accessible through the Internet on the Schools Legal Service website at www.schoolslegalservice.org in the "Members Only" section and can be downloaded and printed for your use. If you have any questions, please call us.

PCC/cp

**ANNUAL NOTICE TO PARENT OR GUARDIAN
REGARDING YOUR RIGHTS**

Dear Parent or Guardian:

As required by law, I wish to notify you as the parent and/or guardian of students enrolled in our schools of your rights and responsibilities. I ask, therefore, that you please take a moment of your time to carefully review the attached materials. After your review, please sign and return the attached acknowledgment indicating that you have received and reviewed these materials. All references are to the California Education Code [E.C.] unless otherwise noted.

If you have any questions regarding this information, please feel free to contact our school office at *[phone #]*.

Sincerely,

DISTRICT SUPERINTENDENT

[NOTE TO ADMINISTRATORS: Parents are required by law to sign and return the acknowledgment form; however, the district need not ensure that the forms are returned, as long as these materials are sent to parents or guardians according to the normal method of communication utilized by your district.]

PARENTAL ACKNOWLEDGMENT

Education Code section 48982 requires parents or guardians to sign and return this acknowledgment.

By signing below I am neither giving nor withholding my consent for my child/children to participate in any program. I am merely indicating that I have received and read the attached [___]-page notice regarding my rights relating to activities which might affect my child/children.

Date: _____

Signature of Parent/Guardian

Printed Name of Student(s)

Printed Name of Parent/Guardian

Printed Name of Student(s)

[Revised May 2002]

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SCHOOL RULES

- *1. You have a right to review the school rules regarding student discipline. [If you wish to do so, please contact the school office.] or [Please review the attached rules.]

ATTENDANCE

- *2. General Absences [Attendance information is advisable but optional. In spite of the “Actual Attendance” or “No-Excuse” ADA accounting effective July 1, 1998, the excuses listed below are applicable for purposes other than ADA revenue, such as compulsory attendance requirements and truancy. Therefore, it is advisable that your district continue to use the same excused absence reasons as before. This will be in addition to any new procedures, if any, that your district plans to implement as a result of the new “no excuse” law.]

According to law, your child will be excused for absence only when it was:

- a. Due to illness.
 - b. Due to quarantine under the direction of a city or county health officer.
 - c. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
 - d. For the purpose of attending the funeral services of a member of your immediate family, so long as the absence is not more than one day if the service is conducted in California, and not more than three days if the service is conducted outside California.
 - e. For the purpose of jury duty in the manner provided by law. [E.C. sections 46010, et seq.]
- *3. Absence for Religious Purposes

With your written permission, your child may be excused to attend religious services away from school. However, your child will be required to complete a certain number of minutes for that day. Such absences are limited to four days per month. [E.C. section 46014]

4. Absence for Justifiable Personal Reasons

Upon your written request and approval by the school principal, your child may be excused from school for justifiable personal reasons such as an appearance in court,

*Must be tailored for your district or is optional if so indicated.

observation of a religious holiday or ceremony, attendance at religious retreats, or an employment conference. [E.C. section 48205]

*5. Alternative Schools

[If your district offers such a program, notice may be best handled in a separate communication. [See E.C. section 58500]]

*6. Intradistrict Attendance Options

[Required: "It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within their districts and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of California's pupils."

The notification shall advise the parent/guardian of all current attendance options under your district's intradistrict program, a description of the procedure for alternative attendance areas or "open enrollment" programs, an application form for requesting a change, and a description of the appeals process available, if any, for a parent/guardian denied a change of attendance. The State Department of Education is supposed to distribute language for this portion of the notification to all school districts. If you have received it, follow its directions.] [E.C. sections 35160.5 and 48980]

*7. Interdistrict Attendance Options

[Optional: If your district's board has elected by resolution to become a "district of choice," to accept the transfer of students residing outside your district's attendance area, you are required to give notice of such a program. This notice should include a description of the program and the procedures for applying. The State Department of Education is supposed to distribute language for this portion of the notification to all districts. If you have received one, follow its directions.] [E.C. sections 48209, et seq., and 48980]

8. Attendance in School District in Which Parent/Guardian is Employed

[Now applicable through the 12th grade. Parent/guardian applies during elementary grades but now student is allowed to attend the school through the 12th grade.] [E.C. section 48204(f)(7).] Your child may have the option of attending school in the district where you or your spouse are employed. If interested, call the school office for information. [E.C. sections 48204(f) and 48980(e)]

*Must be tailored for your district or is optional if so indicated.

9. Attendance Where Caregiver Resides

If your child lives in the home of a caregiving adult, as defined by law, your child may attend the school district in which that residence is located. Execution of an affidavit under penalty of perjury pursuant to the Family Code by the caregiving adult is required to determine that your child lives in the caregiver's home. [E.C. sections 48204(d) and 48980(g)]

10. Individualized Instruction

If your child has a temporary disability which prevents him/her from attending regular classes, the district will provide individual instruction when possible. [E.C. sections 48206.3 and 48980(b)]

11. Pupils in Hospitals Outside of School District

If your child is, due to a temporary disability, in a hospital or other residential health facility which is located outside your school district, he/she may be eligible to attend the school district in which the hospital is located. [E.C. section 48207]

If this situation should arise, you should notify both the district where you reside and where the hospital is located so that individualized instruction, if possible, can be provided. [E.C. section 48208]

*12. High School Students Leaving School at Lunch Time

The governing board of this school district, pursuant to Education Code section 44808.5, has decided to allow the pupils enrolled at the high school to leave the school grounds during the lunch period. Neither the school district nor any officer or employee shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section.

*13. Minimum Days or Pupil Free Staff Development Days

[If your district's or a particular school's schedule for these days are known in time for this notice, include them in this notice. Otherwise, the law requires at least one-month's prior notice of the dates.] [E.C. section 48980(c)]

*Must be tailored for your district or is optional if so indicated.

DISCIPLINE

14. Release of Student to Peace Officer

If a school official releases your child from school to a peace officer for the purpose of removing him/her from the school premises, the school official shall take immediate steps to notify you or a responsible relative of your child, except when a student has been taken into custody as a victim of suspected child abuse. In those cases, the peace officer will notify the parent or guardian. [E.C. section 48906]

15. Parent Responsibility

Parents or guardians are liable for all the damages caused by the willful misconduct of their minor children which result in death or injury to other students, school personnel, or school property. Parents are also liable for any school property loaned to the student and willfully not returned. Parents' or guardians' liability may be as much as \$10,000 in damages and another maximum of \$10,000 for payment of a reward, if any. [E.C. section 48904]

The school district may withhold the grades, diplomas, or transcripts of the student responsible until such damages are paid or the property returned or until completion of a voluntary work program in lieu of payment of money. [E.C. section 48904, Civil Code section 1714.1]

If your child commits an obscene act or engages in habitual profanity or vulgarity, disrupts school activities or otherwise willfully defies the authority of school personnel, and is suspended for such misconduct, you may be required to attend a portion of a school day in your child's classroom. [E.C. section 48900.1]

16. Student Search

The school principal or designee may search the person of a student (including backpack, purse, bag, etc.) or the student's locker if there is a reasonable suspicion to believe the student may have a concealed weapon, narcotics, stolen property, or contraband. [U.S. Supreme Court Case: *New Jersey v. T.L.O.* (1985) 469 U.S. 325]

*17. Dress Code or Uniforms

[If your district adopts a dress code or requires uniforms, parents are entitled to at least a six-months' notice and the availability of resources to assist economically disadvantaged students.] [E.C. section 35183(d)]

*Must be tailored for your district or is optional if so indicated.

STUDENT SERVICES

18. Services to Disabled Pupils

If you have reason to believe that your child (ages 0 through 21 years) has a disability which requires special services or accommodations, bring this to the attention of the school office. Your child will be evaluated to determine whether he/she is eligible for special instruction or services. [E.C. sections 56020, et seq.]

19. Student Sexual Harassment

Students in grades 4 through 12 may be suspended or expelled for sexual harassment. A copy of the district's policy on student sexual harassment is enclosed for your review [enclose your district's policy].

[As of January 1993, the law requires that this notification include a copy of the district's written policy on sexual harassment as it relates to students.] [E.C. sections 48980, 48900.2, and 212.6]

*20. Student Lunch Program

Your child may be eligible to purchase lunch in the cafeteria at a reduced rate. You will be provided with information regarding your child's eligibility for this program. [E.C. sections 49510-49520]

*21. Fingerprinting

[If your district offers such a program, you may want to notify the parents in a separate notice.] [E.C. section 32390]

HEALTH SERVICES

22. Kindergarten and First Grade Physical Examination

Good health is important to your child's learning and successful academic career. State law requires that for each child enrolling in the first grade, the parent must present a certificate, signed by a physician, verifying that the child has received a physical examination within the last 18 months. You may file with the school district a written objection or waiver stating the reasons if you are unable to obtain such services. You must understand that your child may be sent home if you fail to provide the certificate or waiver, or if your child is suspected to be suffering from a contagious disease. You may find it convenient to have your child immunized at the same time that the physical examination is conducted. These services may be available to you at no

*Must be tailored for your district or is optional if so indicated.

cost through the Child Health and Disability Prevention Program (CHDP). For information, you may contact [name, title, place and phone number]. [Health and Safety Code sections 323.5, 324.2., 324.3; E.C. sections 48211, 49450]

*23. Immunizations

Immunizations must be up-to-date before admission to any K-12 school program is granted. To enter or transfer into public and private elementary and secondary schools (grades kindergarten through 12), children under age 18 years must have immunizations as outlined below. New 7th grade entry requirements went into effect July 1, 1999. A varicella requirement for kindergarten entry will go into effect July 1, 2001. Vaccines and required doses are:

* * * * *

| VACCINE | REQUIRED DOSES |
|--|---|
| Polio | 4 doses at any age, but ... 3 doses meet requirement for ages 4-6 if at least one was given on or after the 4 th birthday; 3 doses meet requirement for ages 7-17 years if at least one was given on or after the 2 nd birthday. |
| Diphtheria, Tetanus, and Pertussis <i>Age 6 years and under (Pertussis is required)</i> DTP, DtaP or any combination of DTP or DtaP with DT (tetanus and diphtheria). | 5 doses at any age, but ... 4 doses does meet requirements for ages 4-6 if at least one was on or after the 4 th birthday. |
| <i>Age 7 years and older (Pertussis is not required)</i> Td, DT, or DTP, DtaP or any combination of these. | 4 doses at any age, but ... 3 doses meet requirement for ages 7-17 years if at least one was on or after the 2 nd birthday. If last dose was given before the 2 nd birthday, one more (Td) dose is required. |
| <i>7th grade</i> Td booster. | 1 dose not required but recommended if more than 5 years have passed since last DTP, DTaP, DT, or Td dose. |
| Measles, Mumps, Rubella (MMR) <i>Kindergarten</i> <i>7th grade</i> <i>Grades 1-6 and 8-12</i> | 2 doses* both on or after 1 st birthday. 2 doses* both on or after 2 st birthday. 1 dose must be on or after 1 st birthday. |

*Must be tailored for your district or is optional if so indicated.

| | |
|--|--|
| Hepatitis B <i>Kindergarten</i> <i>7th grade</i> | 3 doses 3 doses** |
| Varicella*** <i>Kindergarten</i> | 1 dose on or after 1 st birthday or health care provider documented varicella disease or immunity. |

* Two doses of measles-containing vaccine required. One dose of mumps and rubella-containing vaccine required; mumps vaccine is not required for children 7 years of age and older.

** Two doses of the 2-dose formulation given at age 11-15 years along with provider documentation that the 2-dose formulation was used for both doses will also fulfill this requirement.

*** Effective Date 7/1/01.

The law allows (a) parents/guardians to choose exemptions from immunization requirements based on their personal beliefs, and (b) physicians of children to elect medical exemptions. The law does not allow parents/guardians to elect an exemption simply because of inconvenience (a record is lost or incomplete and it is too much trouble to go to a physician or clinic to correct the problem). See the back of the blue California School Immunization Record (PM 286) for instructions and the affidavit to be signed by parent/guardians electing the personal beliefs exemption. For children with medical exemptions, the physician's written statement should be stapled to the CSIR.

Schools should maintain an up-to-date list of pupils with exemptions, so they can be excluded quickly if an outbreak occurs. If an outbreak of a communicable disease occurs at a school, the non-immunized student will be excluded for his/her own safety until such time as directed by health officials or district administration. [Health and Safety Code section 120335].

***24. Assistance with Medication**

If your child must take medication during the school day which is prescribed by a physician, [please notify the school office if you want a school employee to assist.]

[or]

[Designated school personnel may assist your child only if:

*Must be tailored for your district or is optional if so indicated.

- a. The principal of your child's school receives a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken; and
- b. Parent submits a written statement indicating his/her desire that the school district assist his/her child in taking the medication; and
- c. Parent signs a release statement on a special form available from the school.]

[Sample forms may be attached.]

If your child is on a continuing medication regimen for a nonepisodic condition, you are required to notify the superintendent of the medication being taken, the current dosage, and the name of the supervising physician. [E.C. section 49480]

25. Physical Examinations

If you want your child to be exempt from physical examinations at school, file a written statement with the school refusing such an exam. However, when there is a good reason to believe that your child is suffering from a recognized contagious or infectious disease, he/she may be sent home and shall not be permitted to return to school until the contagious or infectious disease does not exist. [E.C. section 49451]

*26. Medical and Hospital Services

[The district must give notice of any medical services or insurance it provides or makes available. Example: "The school district does not provide insurance on individual students. However, you may purchase accident insurance through the district for medical and hospital services covering your child. The insurance provides coverage for your child while on school grounds or in school buildings during the time your child is required to be there because of his/her attendance during a regular school day of the district; or while being transported by the district to and from school or other place of instruction; or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places. A letter indicating the details of this insurance will be sent to you shortly."] [E.C. section 49472]

*Must be tailored for your district or is optional if so indicated.

27. Scoliosis Screening (Curvature of the Spine)

If your child is enrolled in grades 7 through 12, and is suspected of having curvature of the spine, please notify the school office. If your child is identified at school as having this condition, you will be notified. [E.C. section 49452.5]

28. Vision Appraisal

Your child's vision will be checked by an authorized person between grades kindergarten through 8, unless you present to the school a certificate from a physician or optometrist verifying prior testing or that it violates your faith in a recognized religious belief. [E.C. section 49455]

*29. Sight and Hearing Test

The school district is required to provide for the testing of the sight and hearing of each student enrolled in the schools unless you submit a written denial of consent. [E.C. section 49452]

*30. Information for Use in Emergencies

For the protection of your child's health and welfare, we ask that you fill out and return the enclosed Emergency Information Card. [Design and use your own form.] [E.C. section 49408]

*31. Confidential Medical Services Without Parental Consent

[Optional: According to the Education Code, school authorities may excuse any student in grades 7 through 12 from school for the purpose of obtaining confidential medical services without the consent of the pupil's parents or guardian. [You may wish to describe your district's practice at this point.] [E.C. section 46010.1]

*32. Immunizations and Control of Communicable Disease

[Optional: This district cooperates with the local health office in the control and prevention of communicable disease in school-age children. If you consent in writing, the district may permit any person licensed as a physician and surgeon, or any person licensed as a registered nurse to administer an immunizing agent to your child. You will be advised in writing before any immunization program is instituted.] [E.C. section 49403]

*Must be tailored for your district or is optional if so indicated.

SEX EDUCATION

*33. Sex Education

[Sex Education] or [Family Life Education Courses] or [specific names of your courses] are offered as optional classes. You have a right to request in writing that your child not attend these classes, which may contain information regarding sex. You may withdraw this request at any time. You also have the right to inspect and review the instructional materials to be used in these classes prior to the holding of such classes. [E.C. section 51550] [Course criteria E.C. section 51553]

34. AIDS Prevention Instruction

You have a right to request copies of Education Code sections 51201.5 and 51553 from the district. Copies of these statutes are on file at district offices. These statutes permit parents, or guardians, to excuse children from AIDS prevention instruction.

Any time an outside organization or guest speaker is scheduled to deliver AIDS prevention instruction, or any time an assembly is held to deliver AIDS prevention instruction, the parents must be notified. The notice must be mailed at least 15 days before the instruction is delivered. The notice “shall include the date of the instruction, the name of the organization or affiliation of each guest speaker . . .” and information about parent's right to receive copies of the statutes relating to AIDS prevention instruction.

A pupil shall not be subject to disciplinary action, academic penalty, or other sanction if a parent withholds the pupil from the instruction. Also, during the time of the instruction an alternative educational activity shall be made available to pupils whose parents have requested that they not receive instruction.

*35. Instruction in AIDS Prevention

School districts are required by law to ensure that all pupils in grades 7 through 12 receive AIDS prevention instruction from adequately trained instructors in appropriate courses. Each pupil shall receive the instruction at least once in junior high or middle school and once in high school. This instruction will emphasize that sexual abstinence and abstinence from intravenous drug use are the most effective means for AIDS prevention. The instruction will also include development of refusal skills to assist pupils to overcome peer pressure and use effective decision making skills to avoid high-risk activities. The instructional materials related to this instruction are available for your inspection. If you do not want your child to receive this instruction, you may submit that request in writing to [the school principal]. [E.C. section 51201.5]

*Must be tailored for your district or is optional if so indicated.

*36. Venereal Disease Education Courses

Because sexually transmitted diseases have become an ever growing problem in our society, this topic will be discussed in the following course(s) _____, in grades ___ through _____. A discussion of this topic shall emphasize that abstinence from sexual intercourse is the only protection that is 100 percent effective against not only sexually transmitted diseases, but also unwanted teenage pregnancy and AIDS. All material and instruction dealing with these topics shall be age-appropriate and in accord with criteria established by law. [E.C. section 51551]

If your child should enroll in classes dealing with these subjects, you shall be notified in writing and you will be given an opportunity to submit a written request that your child not attend such classes. You will also have the opportunity to inspect and review the instructional materials to be used in the class prior to the holding of such classes. [E.C. section 51820]

EXEMPTIONS AND PARENTAL RIGHTS

37. Parental Rights: Education Empowerment Act of 1998

The Education Empowerment Act of 1998 establishes various rights for parents, in addition to other rights identified in this Annual Notice. Your rights, as a parent or guardian, include the following:

Inspection of Instructional Materials: All primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, tapes, and software shall be compiled and stored by the classroom instructor and made available promptly for your inspection in a reasonable time frame or in accordance with procedures determined by the governing board of the school district.

Observation of School Activities: You have the right to observe instruction and other school activities that involve your child in accordance with procedures determined by the governing board of the school district to ensure the safety of pupils and school personnel and to prevent undue interference with instruction or harassment of school personnel. Reasonable accommodation of parents and guardians shall be considered by the governing board of this school district. Upon written request by you, school officials shall arrange for your observation of the requested class or classes or activities in a reasonable time frame and in accordance with procedures determined by the governing board of this school district.

Consent for Evaluations: Your child may not be tested for a behavioral, mental, or emotional evaluation without your informed written consent.

*Must be tailored for your district or is optional if so indicated.

Affirmation or Disavowal of Beliefs: A pupil may not be compelled to affirm or disavow any particular personally or privately held world view, religious doctrine, or political opinion. This law does not relieve pupils of any obligation to complete regular classroom assignments.

38. Other Parental Rights

The rights of parents and guardians of district pupils include the rights identified below. These rights include your right:

- a. To observe in your child's classroom (upon reasonable notice).
- b. To meet with your child's teacher and the school principal (upon reasonable notice).
- c. To volunteer your time and resources at the school.
- d. To be notified on a timely basis if your child is absent from school without permission.
- e. To be notified concerning your child's classroom and standardized test performance.
- f. To request a specific school and teacher and to receive a response from the school district. (This does not obligate the school district to grant the request.)
- g. To have a safe learning environment for your child.
- h. To examine curriculum materials of your child's class.
- i. To be informed of your child's progress and appropriate school personnel to contact in the event of problems.
- j. To access student records for your child.
- k. To receive information concerning expectations for student learning.
- l. To be informed in advance about school rules, policies, dress codes, and procedures for visiting the school.
- m. To receive information about any psychological testing of your child and to deny permission for such testing.
- n. To participate as a member of any school site councils or parental advisory councils at the school, in accordance with governing membership.
- o. To question, and receive an answer regarding, items in your child's record that appear inaccurate, misleading, or that invade privacy.

*Must be tailored for your district or is optional if so indicated.

39. Dissection of Animals

If your child chooses not to participate in the dissection of animals, and if the teacher believes that an adequate alternative education project is possible, then the teacher may work with him/her to develop and agree upon an alternative education project for the purpose of providing your child an alternate avenue for obtaining the information required by the class. The school will need a signed note from you indicating your child's objection. [E.C. section 32255]

40. Excused from Instruction Due to Religious Belief

Whenever any part of the instruction in health or family life education conflicts with your religious training and beliefs or personal moral conviction, or those of your child, your child shall be excused from such instruction upon your written request. [E.C. section 51240]

41. Tests on Personal Beliefs

Unless you give written permission, your child will not be given any test, questionnaire, survey, or examination containing any questions about your child's, or his/her parents' or guardians' personal beliefs or practices in sex, family life, morality, or religion. [E.C. sections 51513, 60614]

SCHOOL RECORDS AND ACHIEVEMENTS

42. Pupil Records

You have a right to inspect and review your child's school records; to challenge their contents; to have an administrator assist you in interpreting the records; request amendment to ensure that they are not inaccurate, misleading, or otherwise in violation of your child's privacy rights; to have a district-level hearing to appeal the decision not to change records; and to file a complaint with the state and/or United States Department of Education if the district fails to comply with state and federal law with regard to your child's records. Except for certain exceptions, pupil records are confidential and will not be disclosed without your consent. Please be aware, however, that when your child enrolls or intends to enroll in another district, we will send his or her records to that district. Your child's records may be shared with school officials and employees, and other persons connected with the school who have a legitimate educational interest and who may need them to perform his or her tasks. For further information or assistance contact [name or title of your district's contact person] or the Family Policy Compliance Office, U. S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-4605. [E.C. sections 49063 and 49070; Family Educational Rights and Privacy Act (FERPA) 34 CFR Part 99]

*Must be tailored for your district or is optional if so indicated.

*43. Standards of Proficiency in Basic Skills

[Adapt to your district.] [E.C. section 51215]

*44. Regulations Regarding Pupil Achievement

[Handle on an as-needed basis.] [E.C. section 49067]

*45. Standardized, Norm-referenced Achievement Tests

[Give notice when applicable.]

46. School Accountability Report Card

The School Accountability Report Card is available on request and is accessible at the following internet site: [www.\[your web address here\]](http://www.[your web address here]). This contains information about the district regarding the quality of the district's programs and its progress toward achieving stated goals.

*47. Release of Directory Information

[Parents must be notified on an annual basis of the categories of information which the school plans to release and to whom they will or may be given. Parents shall be given the opportunity to request that this information be withheld. Following is an example of a general notice: "The law allows schools to release 'directory information' to certain persons or organizations. Directory information may include a student's name, address, telephone information, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student. If you wish that the district withhold any of this information, contact the school principal."] [E.C. sections 49061(c), 49070]

DUE PROCESS PROTECTIONS AND COMPLAINTS

*48. Complaints Regarding Employees

[Optional, handle according to your district's policies and needs.] [E.C. section 35160(a)(3)]

*49. Uniform Complaint Procedures

[The district is not required to include its entire complaint procedure. A condensed version will suffice as long as it includes the listed items below, which is offered as a

*Must be tailored for your district or is optional if so indicated.

sample. Review your procedure and consult with your district's designated person who processes the complaints.] [E.C. sections 35160.5, 56502(c), 5 CCR 4610, 4622]

The district has established procedures to address allegations of unlawful discrimination and complaints alleging violation of state or federal laws governing educational programs.

It is unlawful to discriminate on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability.

- a. Complaints made under this procedure shall be directed to [give name(s) of the person(s) responsible for processing the claims].
- b. You may contact [name, title, place and phone number] to obtain a copy of the district's complaint procedures.
- c. In addition to this procedure you have a right to:
 - (1) Direct your complaint directly to the State Superintendent of Public Instruction.
 - (2) Appeal to the State Superintendent of Public Instruction a complaint that has not been resolved to your satisfaction by the school district.
- d. In addition to this procedure, you may wish to:
 - (1) Direct a complaint to appropriate agencies for investigation.
 - (2) Consult with an attorney to determine if you have legal rights that may be pursued through available civil law remedies. You may wish to contact the following low-cost or free legal services: [Note: *List ones that you deem appropriate in or nearest your community. The following are only examples, some of which you may want to list.*]

Legal Aid Foundation of Los Angeles
Education Law Unit
1550 West 8th Street
Los Angeles, CA 90017
(213) 487-3320

California Rural Legal Assistance, Inc.
San Luis Obispo Office
1160 Marsh Street, Suite 114
San Luis Obispo, CA 93401
(805) 544-7997

Greater Bakersfield Legal Assistance
615 California Avenue
Bakersfield, CA 93304
(661) 325-5043

Legal Aide Foundation of
Santa Barbara County
301 Bast Canon Perdido
Santa Barbara, CA 93101
(805) 963-6754

*Must be tailored for your district or is optional if so indicated.

50. Complaints Regarding Discrimination and the Education of Disabled Students

Our school district is committed to equal opportunity for all individuals in education. Our district programs and activities shall be free from discrimination based on sex, race, color, religion, national origin, lack of English skills, ethnic group, marital or parental status, physical or mental disability or any other unlawful consideration. The district shall promote programs which ensure that these discriminatory practices are eliminated in all district activities. [E.C. section 56501]

You have certain rights under the law, including Title VI of the Civil Rights Act of 1974, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA, formerly known as EHA). The California Department of Education and the Office for Civil Rights of the U. S. Department of Education have authority to enforce these laws and all programs and activities that receive Federal funds. [E.C. sections 260, et seq., and the above cited federal statutes]

If you wish further details in this regard, or wish to file a complaint, please contact the superintendent or other appropriate agency.

MISCELLANEOUS

51. ***“Big 5” Mandatory Expulsion Orders***

The present list of violations for which a school board must order an expulsion has been increased to five. The new addition is for possession of an explosive. “Explosive” means a “destructive device” as described in Section 921 of Title 18 of the United States Code. The five offenses are:

- a. Possession of a firearm.***
- b. Brandishing a knife.***
- c. Sale of controlled substances.***
- d. Sexual assault.***
- e. Possession of an explosive.***

A comprehensive discussion of the rules and offenses related to student discipline can be obtained at the district office. [E.C. section 48915]

52. Student Sexual Harassment

Students in grades 4 through 12 may be suspended or expelled for sexual harassment. The Board of Trustees prohibits sexual harassment in the educational environment by any person in any form. Sexual harassment is in violation of federal and state laws,

*Must be tailored for your district or is optional if so indicated.

including Title VII of the Civil Rights act of 1964 and Title IX of the Education Amendments of 1982.

Within the educational environment sexual harassment is prohibited between students, employees and students, and supervisors and students. Repeated or unwarranted verbal or physical sexual advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the educational environment which are offensive or objectionable to the student or which cause the student discomfort or humiliation, or which interfere with the student's performance, are prohibited. Action will be taken when necessary to eliminate such practices or remedy their effects.

Students who engage in such harassment may be subject to disciplinary action up to and including expulsion (Education Code sections 212.5; 230; 48900.2). The principal or designee shall discuss the district's sexual harassment policy with his/her students and employees and assure them that they are not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment. The principal or designee shall provide staff in-service or student instruction and counseling as needed (Title VIII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972).

Students and staff are encouraged to immediately report incidents of sexual harassment to the principal or designee. The principal or designee shall promptly investigate each complaint of sexual harassment in a way that ensures the privacy of all parties concerned. In no case shall the student be required to resolve the complaint directly with the offending person.

*53. Use of the Internet and/or On-Line Sites

[A school district that provides pupils with access to the Internet or an on-line service, must adopt and must include in this Notice a policy regarding access by pupils to these services that contains and makes references to harmful or obscene matter as defined by Penal Code section 313(a). Such policies should also guard the identity and pictures of individual students; prohibit the use of student e-mail or web site addresses (URL's); prohibit commercial transactions, etc. [E.C. section 48980(h)]]

*54. Freedom of Expression

[Optional, handle according to district's policy and needs.] [E.C. section 48907]

*Must be tailored for your district or is optional if so indicated.

*55. Sex Offender Information: "Megan's Law"

[Optional: The Sex Offender Identification Line is a telephone service for use by the public and organizations to identify serious sex offenders. This district does not disseminate this information; however, anyone at least 18 years of age may call (900) 463-0400. You will need the following information on the person you are checking on: Name and ONE of the following: address, birthdate, driver's license number or Social Security number. You will be charged a flat rate of \$10 for information on up to two individuals. You may also receive information from your local law enforcement agency or view the Attorney General's Home Page at www.caag.state.ca.us.]

56. ***College Entrance Requirements (High School Only)***

In addition to the rights described in Education Code sections 51100-51102, students and parents have the right to be informed of college entrance requirements. It is critically important to know how to assist those students who choose to pursue a college education.

Students and parents need to know the series of college preparatory classes to take in high school. The minimum requirements vary, depending on the selected college or university. The a-g requirements noted below are submitted by the Regents of the University of California and are, generally, the most rigorous:

- a. ***An English class every semester of every year for four years.***
- b. ***A mathematics class every semester of every year for three years, including algebra and geometry. Four years are recommended.***
- c. ***Two years of a laboratory science beyond the ninth grade. An additional year is recommended.***
- d. ***Two years of history-social science, which are to include U.S. government, world history, culture, and geography.***
- e. ***Two years of the same language other than English.***
- f. ***Two years of college preparatory electives in addition to those required in "a-e" above.***
- g. ***One year of visual and performing arts, effective for the entering class of 2003.***

*Must be tailored for your district or is optional if so indicated.

To gain admission to college, students must also take and submit scores from either the Scholastic Aptitude Test (SAT) or the American College Test (ACT). Your child's high school counseling office can provide the testing dates and locations.

*57. Future College or University

[Optional: Because of rising costs, it is important for you to invest early for the future college or university education of your child. You may wish to consider appropriate investment options including, but not limited to, U. S. Savings Bonds.] [E.C. § 48980(c)]

*58. Management Plan for Asbestos-Containing Material

A complete, updated management plan for asbestos-containing material in school buildings is available at each school office.

59. Pesticide Warnings

The district has implemented an integrated pest management (IPM) program designed to effectively control pests using a combination of techniques. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment may be used according to established regulations and treatment thresholds.

Pursuant to the Healthy Schools Act of 2000, the district is required to notify staff, parents, or guardians of the name of all pesticide products expected to be applied at the school facility during the upcoming year. Those products are as follows:

| <u>Product Name</u> | <u>Active Ingredient</u> | <u>Pest Treated</u> |
|---------------------|--------------------------|---------------------|
| A. | | |
| B. | | |
| etc. | | |

If you wish to receive notification of individual pesticide applications at the school facility, please complete the attached registration form. You will receive notification at least 72 hours prior to the application.

Information regarding pesticide information may be obtained at web site for the California Department of Pesticide Regulation at www.cdpr.ca.gov.

* * * * *

*Must be tailored for your district or is optional if so indicated.

SAMPLE
PESTICIDE APPLICATION NOTIFICATION REGISTRATION

Date: _____
Name of Parent/Guardian/Staff Member: _____
Address: _____
Name of Student: _____
School Site/Facility: _____
[optional] Please notify me by:
" U.S. Mail " phone # _____ " e-mail address _____

* * * * *

*60. Tattooing or Body Piercing

[Optional: It is a misdemeanor to tattoo or offer to tattoo a person under the age of 18. It is an infraction of the law to perform or offer to perform body piercing on a person under the age of 18, except in the presence of, or as directed by a notarized writing signed by, the parent or guardian. This does *not* include ear piercing.] [Penal Code sections 19.8, 652, 653]

61. Further Information is Available

Further information regarding our district schools, programs, policies, and procedures is available to any interested person upon request to our district office. [E.C. section 48209.13, FERPA, 34 CFR section 99.7(b)]

NOTIFICATION IN OTHER LANGUAGES

62. Districts may wish to give, or may be required to give, this notification and attachments (e.g., Uniform Complaint Procedure, Sexual Harassment Policy, etc.) in other languages. Section 48985 of Education Code provides:

“When 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 speak a single primary language other than English, as determined from the census data submitted to the Department of Education pursuant to Section 52164 in the preceding year, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or school district shall, in addition to being written in English, be written in such primary language, and may be responded to either in English or the primary language.”