

**HEALTH EDUCATION, PUPIL SERVICES, AND PARENTS' OR STUDENTS'  
RIGHTS REQUIRING ANNUAL NOTIFICATION**

**DEAR PARENT/GUARDIAN:**

State and federal laws require school districts to notify parents and guardians of minor pupils of parental rights. The law requires the parents or guardians to sign a notification form and return it to school. The signature is an acknowledgment that the parents or guardians have been informed of their rights but does not indicate that consent to participate in any particular program has been either given or withheld.

Some legislation requires additional notification to the parents or guardians during the school term or at least 15 days prior to a specific activity. (A separate letter will be sent to parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parents or guardians file with the principal of the school a statement in writing requesting that their child not participate.) Other legislation grants certain rights that are spelled out in this form. Items marked with a \*\* reference specific documentation to be provided by the district.

The following rights, responsibilities, and protections are provided (when used in this notification "parent" includes a parent or legal guardian):

**RULES AND PROCEDURES ON SCHOOL DISCIPLINE (EC § 35291):** Rules pertaining to student discipline, including those that govern suspension or expulsion, are outlined in EC§ 48900 *et seq.* and are available from the building principal. They are also communicated to all students every year. In addition the following disciplinary information is to be provided to parents:

**\*\*Sexual Harassment Policy (EC § 231.5; 5 CCR § 4917):** Each district shall have a written policy on sexual harassment, and shall provide a copy of such policy, as it pertains to students, with the annual notification. Districts are also required to display the policy in a prominent location and include in orientation for employees and students.

**Dress Code/Gang Apparel (EC § 35183):** Authorizes district to adopt reasonable dress code.

**Sun Protective Clothing/Use of Sunscreen (EC § 35183.5):** Requires school sites to allow for outdoor use of sun-protective clothing. Further provides for the use of sunscreen by students during school day and authorizes sites to establish policy.

**Duty Concerning Conduct of Pupils (EC § 44807):** Every teacher shall hold pupils accountable for their conduct on the way to and from school, and on the playground.

**Laser Pointers (PC § 417.27):** Prohibits possession of laser pointer for any student, unless possession is for valid instructional or other school related purpose.

**Duties of Pupils (5 CCR § 300):** Requires pupils to conform to school regulations; obey all directions; be diligent in study and respectful of teachers and others in authority; and refrain from profane and vulgar language.

**\*\*Pupil Safety – Bullying (EC § 48900r)** Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

**DRUG FREE CAMPUS (Alcohol and Other Drug Use Prevention Education):** Possession, use or sale of narcotics, alcohol or other controlled substances is prohibited and strictly enforced at all school activities. Records will be forwarded to local law enforcement, and district sanctions will result from violations.

**SCHOOL ACCOUNTABILITY REPORT CARD (EC §§ 33126, 35256):** Districts must provide parents and guardians with a copy of the school accountability report card and make a concerted effort to notify parents of the purpose of the school accountability report cards.

**HEALTH, FAMILY LIFE, AND SEX EDUCATION: CONFLICT WITH RELIGIOUS BELIEFS (EC § 51240):** Whenever any part of the instruction in health, family life, or sex education conflicts with religious training and beliefs or personal moral convictions of the parent or guardian, the student shall be excused from that part of the instruction upon written parental request.

**SEXUAL HEALTH EDUCATION AND HIV/AIDS PREVENTION (EC § 51938):** A parent has the right to excuse their child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessments related to such education. Parents have the right to inspect and review materials to be used, and to request in writing that their child not participate. Districts must, at the beginning of the school year or at a new enrollment, notify parents about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on pupil health behaviors and risks. If a school district elects to provide comprehensive sexual health education or HIV/AIDS prevention education through outside consultants and/or an assembly, notice must be provided to parents that includes the date of instruction, the name of the organization or affiliation of each guest speaker and information stating that the parent/guardian has the right to request a copy of Education Code Sections 51938, 51933 and 51934. Parents have the right to request a copy of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, Education Code Sections 51930-51939.

**PUPIL NUTRITION (EC §§ 49510-49520):** Reduced Price Lunches: Needy pupils may be eligible for free or reduced priced meals. Details are available at your child's school site.

**RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS (EC § 32255-32255.6):** Pupils may choose to refrain from participating in educational projects involving the harmful or destructive use of animals, based on moral objections, and complete an alternative educational project acceptable to the teacher.

**COMMUNICABLE DISEASES (EC § 49403):** Authorizes district to administer immunizing agent to pupils, whose parents have consented in writing, to the administration of such immunizing agent.

**MEDICATION (EC § 49423):** Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician and a parental request for assistance in administering the medications. Any student may carry and self-administer prescription auto-injectable epinephrine only if the student submits a written statement of instructions from the physician and written parental consent authorizing the self-administration of medication, providing a release for the school nurse or other personnel to consult with the child's health care provider as questions arise, and releasing the district and personnel from civil liability if the child suffers any adverse reaction as a result of the self-administration of medication.

**CONTINUING MEDICATION REGIMEN (EC § 49480):** The parent or legal guardian of any public school pupil on a continuing medication regimen for a non episodic condition shall inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or legal guardian of the pupil, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

**MEDICAL AND HOSPITAL SERVICES FOR PUPILS (EC § 49472):** Authorizes districts to provide medical or hospital services through non-profit membership corporations or insurance policies for pupil injuries arising out of school-related activities.

**PUPILS WITH TEMPORARY DISABILITIES; INDIVIDUAL INSTRUCTION (EC §§ 48206.3, 48207, 48208):** Requires districts to notify parents of availability of individualized instruction for students with temporary disabilities. The parent or guardian of a pupil hospitalized or with a temporary disability shall notify the school district where the pupil is receiving care and if an individual instruction program is desired.

**REHABILITATION ACT HANDICAPPED PUPILS (Section 504 of Rehabilitation Act):** District must annually notify handicapped pupils and their parents of the district's non-discriminatory policy and duty under Section 504 of the Rehabilitation Act.

**SPECIAL EDUCATION; CHILD FIND SYSTEM (IDEA; EC § 56301):** District must inform parents of federal law requirement that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Any parent suspecting a child has exceptional needs due to a disability may request an assessment for eligibility for special education services through the school principal. Policy and procedures must include written notification to all parents of their rights pursuant to **EC § 56300**.

**SPECIAL EDUCATION; COMPLAINTS (5 CCR § 3080):** State regulations require the district to establish procedures to deal with complaints regarding special education. If you believe that the district is in violation of federal or state law governing the identification or placement of special education students, or similar issues, you may file a written complaint with the district. State regulations require the district forward your complaint to the State Superintendent of Public Instruction. Procedures are available from your building principal.

**SPECIAL EDUCATION; AIDING PARENTS IN DUE PROCESS HEARINGS (EC § 56502):** Requires the State Superintendent to develop a model form to assist parents and guardians in filing requests for due process. Forms are available at the district office for parents that wish to initiate due process hearings relating to special education rights.

**SPECIAL EDUCATION; INSPECTION OF SCHOOL RECORDS (EC § 56043(n)):** Specifies the rights of parents with children with exceptional needs to examine and receive copies of records within five business days after a request is made, and before any IEP meeting, hearing or resolution session regarding their child.

**PHYSICAL EXAMINATION; PARENT REFUSAL TO CONSENT (EC § 49451):** A child may be exempt from physical examination whenever the parents file, annually, a written statement with the school principal stating that they will not consent to routine physical examination of their child. Whenever there is good reason to believe the child is suffering from a recognized contagious disease, the child will be excluded from school attendance.

**CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM (HSC §§ 124085, 124105):** Requires parents of kindergarten and first grade pupils of requirement of physical examination for first grade enrollment and availability of free health screening through local health department. Requires up to five days of exclusion for failure to comply or sign a waiver.

**ASBESTOS (40 CFR § 763.93):** The district has a plan for eliminating health risks that are created by the presence of asbestos in school buildings. It may be reviewed at the district office.

**\*\*USE OF PESTICIDES (EC §§ 48980.3, 17612):** School districts shall inform parents or guardians about the use of pesticides on school grounds as part of the annual parent notice. Such notice must include the name of all pesticide products expected to be applied at the school site during the upcoming year, the active ingredient(s) in each pesticide product. Parents may register with the school site if they wish to receive notification of individual pesticide applications at the school site at least 72 hours prior to the application. Additional information on pesticides is made available by the Department of Pesticide Regulation at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

**COMPREHENSIVE SCHOOL SAFETY PLAN (EC §§ 32286, 32288):** Each school is required to report on the status of its school safety plan, including a description of its key elements, in the annual school accountability report card. Planning committee is required to hold a public meeting to allow members of the public the opportunity to express an opinion about the school plan. Planning committee to notify in writing specified persons and entities. District to notify State Department of Education by October 15<sup>th</sup> of schools that are not in compliance with safety plans.

**SCHOOL BUS AND PASSENGER SAFETY (EC § 39831.5):** Requires bus safety regulations to be provided to all new students.

**COMPLAINTS CONCERNING DEFICIENCIES RELATED TO INSTRUCTIONAL MATERIALS, ETC. (EC § 35186):** Notice must be provided regarding the requirement of schools to have sufficient textbooks and instructional materials, clean and safe facilities, and no teacher vacancies or misassignments as defined. Forms to file a complaint of deficiencies are available at the district office. .

**NOTICE OF ALTERNATIVE SCHOOLS (EC § 58501):** California State law authorizes all school districts to provide for alternative schools. The Education Code defines alternative school as a school or separate class group within a school, which is operated in a manner designed to:

- (a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- (b) Recognize that the best learning takes place when the student learns because of his desire to learn.
- (c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may result in whole or in part from a presentation by his teachers of choices of learning projects.
- (d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- (e) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the *County Superintendent of Schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for your information.* This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district.

**STATEMENT OF NONDISCRIMINATION (Title VI CRA '64):** The district is required to have a policy of nondiscrimination on the basis of race, color, national origin, sex, or handicap. This policy requires notification in native language if service area contains a community of minority persons with limited English language skills. Notification must state that district will take steps to assure that the lack of English will not be a barrier to admission and participation in district programs. This policy applies to all students insofar as participation in programs and activities is concerned, with few exceptions such as contact sports. In accordance with federal law, complaints alleging noncompliance with this policy should be directed to the school principal. Appeals may be made to the district superintendent.

**\*\*ATTENDANCE - Sections pertaining to school attendance:**

**Intradistrict Choice Policy (EC § 35160.5(b)):** Requires districts to adopt rules and regulations establishing a policy on Intradistrict/open enrollment with in the district for residents of the district.

**Interdistrict Attendance (EC § 46600):** Authorizes two or more districts to enter into agreement up to five years, providing for interdistrict attendance of students and stipulating terms and conditions under which such attendance will be permitted or denied.

**Excused Absence (EC § 48205):** State law permits students to be absent for justifiable reasons. Allow for completion of missed assignments.

**Absence for Confidential Medical Services (EC § 46010.1):** Requires district to notify pupils in grades 7 to 12, and their parents, that law permits school to excuse pupils for purpose of obtaining confidential medical services without consent of parent.

**Absence for Religious Instruction (EC § 46014):** Authorizes districts to adopt resolution and regulations to allow pupils with parent consent to be excused to participate in religious exercises/instruction.

**\*\*Attendance Options (EC § 48980(h)):** Required to advise parents of all current statutory attendance options.

**\*\*Notification of Minimum Days and Pupil Free Staff Development Day (EC § 48980(c)):** Requires annual notification to advise parents of schedule of minimum days and pupil-free staff development days at beginning of year or as early as possible/no later than one month prior.

**Grade Reduction/ Loss of Academic Credit (EC § 48980(j)):** No pupil shall have his/her grade reduced or lose academic credit for any excused absence pursuant to EC § 48205 for missed assignments / tests that can reasonably be provided / completed.

**Excused absence: Justifiable personal reasons; Credit § 48205.**

(1) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(a) Due to his or her illness.

(b) Due to quarantine under the direction of a county or city 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 his or her 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 for by law.

(f) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.

(g) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

(h) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(2) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of any class from which a pupil is absent shall determine 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.

(3) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

(4) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(5) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

**SEX EQUITY IN CAREER PLANNING (EC § 221.5(d)):** Requires district to notify parents in advance of career counseling and course selection commencing with course selection for Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions.

**INVESTING FOR FUTURE EDUCATION (EC § 48980(d)):** May advise parents of importance of investing for higher education.

**STATE FUNDED ADVANCED PLACEMENT EXAMINATIONS (EC §§ 48980(k), 52244):** Requires annual notification to advise parents of the availability of state funds to cover costs of advanced placement examination fees for eligible economically disadvantaged high school pupils.

**\*\*HIGH SCHOOL EXIT EXAM (EC §§ 48980(e), 60850):** Pupils completing 12<sup>th</sup> grade are required to successfully complete the high school exit exam as a condition of graduation. Details regarding the date of the exam, the requirements for passing the exam, and the consequences of not passing the exam, shall be provided annually.

**CHILDREN IN HOMELESS SITUATIONS:** Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. Parental Notification requires districts that receive Title I funds to notify parents of the following requirements under "No Child Left Behind." **Program Improvements-Parent/Guardian** shall be notified when their children's school is identified as a "program improvement" and the opportunities for school choice and / or supplemental instruction **Teacher Qualifications-Parent/Guardian** shall be notified that they may request specified professional qualifications of the student's classroom teacher(s) and assigned paraprofessional(s).

**UNSAFE SCHOOL CHOICE (5 CCR § 11993(k)) –** Parents/guardians shall be notified of elementary and/or secondary schools considered to be "persistently dangerous" pursuant to California Department of Education guidelines and of available options. "Any firearms violations" is an event which must be considered in determining whether a school site is at risk of being classified as persistently dangerous.

**UNIFORM COMPLAINT PROCEDURES (5 CCR § 4622):** Requires annual written notification to pupils, employees, parents, district advisory committee, school advisory committees, and other interested parties of the district’s Uniform Complaint Procedures, including the person responsible for processing complaints and appeal rights. The Uniform Complaint Procedures apply to complaints involving categorical programs and those alleging unlawful discrimination. Copies of the Uniform Complaint Procedures must be made available free of charge.

**PARENT ATTENDANCE OF SUSPENDED STUDENT DURING SCHOOLDAY (EC § 48900.1):** Parents or guardians must be provided with notice prior to a school district adopting a policy authorizing teachers to require the parent or guardian of a suspended pupil to attend a portion of a schoolday in the class of the suspended pupil.

**PUPIL INSURANCE FOR ATHLETIC TEAMS (EC § 32221.5):** Requires school districts that elect to operate an interscholastic athletic team or teams to include a specified statement regarding no-cost or low-cost local, state, or federally sponsored health programs in offers of insurance coverage and in other letters and printed materials.

**SCHOOL ACCREDITATION (EC § 35178.4):** Requires a school district to notify each parent or guardian of a pupil in a school that has lost its accreditation status and the potential consequences of the school’s loss of status, in writing or by posting the information on the school district’s or school’s Internet Web, or by any combination of these methods.

**PUPIL HEALTH: ORAL HEALTH ASSESSMENT (EC § 49452.8):** Requires notification of the requirement that pupils enrolled in kindergarten, or in the first grade if not previously enrolled in kindergarten, present proof of having received an oral health assessment as specified or completion of a form provided by district on which the parent can indicate why an oral health assessment by a licensed dentist or other registered dental health professional assessment cannot be completed.

**PUPIL RECORDS; NOTIFICATION OF RIGHTS (FERPA EC §§ 49063, 49069, 49073):** Federal and State laws grant certain rights of privacy and right of access to students and to their parents. District must annually inform parents or “eligible” pupils of their rights concerning pupil records under Section 49063. Full access to all personally identifiable written records maintained by the school district must be granted to:

- 1) Parents of students age 17 and younger,
- 2) Parents of students age 18 and older if the student is a dependent for tax purposes,
- 3) Students age 18 and older, or students who are enrolled in an institution of postsecondary instruction (called “eligible students”).

Parents, or an eligible student, may review individual records by making a request to the principal. District must respond to a pupil record request by providing access no later than five business days following the date of request. The principal will see that explanation and interpretations are provided if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request. In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page. District policies and procedures relating to: location of, and types of, records; kinds of information retained; persons responsible for records; directory information; access by other persons; review; and challenge of records are available through the principal in each school. When a student moves to a new district, records will be forwarded upon the request of the new school district. At the time of transfer the parent (or eligible student) may review, receive a copy (at a reasonable fee), and/or challenge the records.

If you believe the district is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Secretary of Education.