



• UNION SCHOOL DISTRICT •

**2021-2022 School Year  
Annual Notification to Parents/Guardians**

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The Del Mar Union School District “District” is required to annually notify pupils, parents, and guardians of their rights and responsibilities, pursuant to California Education Code (EC) 48980.

If you have any questions, or if you would like to review specific documents mentioned in this notice, please contact the principal at your child’s school. They will be able to give you more detailed information and assist you in obtaining copies of any materials you wish to review.

An acknowledgement of receipt of this notice must be signed by the parent or guardian and returned to the school as required by EC 48982.

## Rules and Procedures on School Discipline-EC 35291

EC 48980(a): At the beginning of the first semester or quarter of the regular school term, the school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Section 35291.

Rules pertaining to student discipline, including those that govern suspension or expulsion outlined in EC 48900, et seq., should be made available by the school principal to parents. They should also be communicated to every student every year. In addition, the following disciplinary information should be provided to parents:

- **Attendance of Suspended Child's Parent or Guardian for Portion of School Day (EC 48900.1):** If the school district adopts a policy that teachers may require the parent or guardian of a pupil who has been suspended by a teacher to attend a portion of a school day in the classroom of his child or ward, the school district must notify parents of the policy prior to its implementation.
- **Sexual Harassment Policy (EC 231.5; 5 CCR 4917):** Each school 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 it in an orientation for employees and students.
- **Hate Violence (EC 48900.3):** Each school district shall notify parents and legal guardians that it may suspend a student in grades 4-12 from school, or recommend a student in grades 4-12 for expulsion, if the student has caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
- **Harassment, Intimidation, or Threats (EC 48900.4):** Each school district shall notify parents and legal guardians that it may suspend a student in grades 4-12 from school, or recommend a student in grades 4-12 for expulsion, if the student has intentionally engaged in harassment, threats or intimidation per EC 48900.3.
- **Terroristic Threats Against School Officials, School Property or Both (EC 48900.7):** Each school district shall notify parents and legal guardians that it may suspend a student from school, or recommend a for expulsion, if the student makes terroristic threats against school officials, school property, or both, per EC 48900.7.
- **Suspension/Expulsion: Alternative and Other Means of Correction (EC 48900, 48900.5):** In response to a violation of school rules, a school district may impose other means of correction short of suspension and expulsion and place the documentation of those in the pupil's record. A school district may document the other means of correction used and place that documentation in the pupil's record. Other means of correction may include: a conference between school personnel, the pupil's parent or guardian and the pupil; referrals to the school counselor or psychologist; study teams, guidance teams or other intervention-related teams that assess behavior and develop and implement behavior plans; referral for psycho-educational assessment; and after-school programs that address specific behavioral issues.

### **Pupil Safety: Human Trafficking Prevention Resources-EC 49381**

Requires the governing board of a school district and the governing body of a charter school to work with their schools that maintain any grades 6 to 12, inclusive, to identify the most appropriate methods of informing parents and guardians of pupils in those grades of human trafficking prevention resources and to implement the identified methods in those schools by January 1, 2020.

### **Pupil Nutrition-EC 47613.5, 49510-49520, 49564-49564.5**

Requires notice to parent or guardian of the free and reduced-priced meals available to pupils in receipt of public assistance. The meal program is defined by EC 49510, et seq. The notice should include the details of the meal program available at the pupil's school site and whether the school district makes the application available online. The notice shall also indicate whether any schools within the school district are eligible for a universal meal program such that breakfast and lunch is provided to all students free of charge. This also requires charter schools to comply with these rules, and their respective chartering authorities to provide technical assistance in implementing this law.

### **Right to Refrain from Harmful Use of Animals-EC 32255-32255.6**

The school district must notify the parent or guardian at the beginning of the first semester or quarter of the regular school term that pupils may choose to refrain from participating in an educational project involving the harmful or destructive use of animals, based on moral objections, and complete an alternative educational project acceptable to the teacher. Objections to participating in an educational project involving the harmful or destructive use of animals must be substantiated by a note from the student's parent or guardian. A sample form is provided.

### **Immunization and Communicable Diseases-EC 48216, 49403**

School districts are required to exclude pupils who have not been properly immunized pursuant to Health and Safety Code 120325 and 120335.

Students in a home-based private school and students enrolled in an independent study program who do not receive classroom-based instruction may still attend school without specified immunizations.

If the parent or guardian files with the governing authority a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization, that child shall be exempt from the immunization requirements.

*Note:* SB 277-Effective January 1, 2016: The California Legislature eliminated the exemption from specified immunization requirements based upon personal beliefs. A pupil who, prior to January 1, 2016, submitted a letter or affidavit on file at a private or public elementary or secondary school, child day care center, day nursery, nursery school, family day care home, or development center stating beliefs opposed to immunization shall be allowed enrollment to any private or public elementary or secondary school, child day care center, day nursery, nursery school, family day care home, or development center within the state until the pupil enrolls in the next grade span. Grade span means (1) from birth to preschool; (2) Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten; and (3) grades 7 to 12 inclusive.

### **Medication-EC 49423**

School districts must notify the parents or guardians of all pupils in the school district that 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 or physician assistant 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 or physician assistant 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**

School districts must provide notice that 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 49471, 49472**

Authorizes school districts to provide medical or hospital services through non-profit membership corporations or insurance policies for pupil injuries arising out of school-related activities. If a school district maintaining junior high schools or high schools does not provide or make available medical and hospital services for pupils of the district injured while participating in athletic activities, in accordance with Section 49470, the parent or guardian of each pupil participating in athletic activities shall be notified that the services are not provided.

### **Pupils with Temporary Disabilities; Individual Instruction-EC 48206.3, 48207, 48208**

Requires school districts to notify parents of the availability of individual 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 that an individual instruction program is desired. This individual instruction shall be received at home or in a hospital or other residential health facility, except a state hospital.

### **Disabled Pupils-Section 504 of the Rehabilitation Act of 1973**

School districts must annually notify pupils eligible under Section 504 and their parents of the school district's non-discriminatory policy and duty under Section 504 of the Rehabilitation Act. The notification should include:

- Name and contact information of the person designated by the school district for implementing Section 504;
- Screening and evaluation procedures used by the school district when there is reason to believe a student has a disability under Section 504;
- The right to a written plan if the student qualifies under Section 504;
- The right to be educated with non-disabled students to the maximum extent appropriate based on the student's needs; and
- Notice of the parent's legal procedural safeguards.

### **Special Education: Child Find System-IDEA-EC 56301**

School districts must inform parents of the federal law requirement that a free and appropriate public education (FAPE) in the least restrictive environment be offered to eligible pupils with disabilities ages 3 through 21 years, including pupils that are migrant or homeless or wards of the state and children with disabilities attending private schools. Any parent suspecting a child has exceptional needs due to a disability may request the school district assess the student for eligibility for special education services.

### **Physical Examination; Parent Refusal to Consent-EC 49451**

School districts must notify parents or guardians of the specific or approximate dates during the school year when any non-emergency, physical examination or screening is scheduled that 1) is required as a condition of attendance; 2)

administered by the school; and 3) is not necessary to protect the immediate health and safety of the pupil or other pupils. The notification must include an opportunity for parents to opt pupils out of participation in the examination or screening.

(20 U.S.C. § 1232h.)

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. The notifications should include approximate dates during the school year when any non-emergency, physical examination or screening is scheduled that is 1) required as a condition of attendance; 2) administered by the school; and 3) is not necessary to protect the immediate health and safety of the pupil or other pupils.

A sample opt-out form is provided herewith.

The notice shall also indicate that EC 49455 requires a pupil's vision to be appraised by the school nurse or other authorized person during kindergarten or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, unless a pupil's first entry or enrollment occurs in grade 4 or 7.

### **Child Health and Disabilities Prevention Program-HSC 124085, 124105**

Requires school districts to notify the parents or guardians of pupils in kindergarten and first grade of the requirement of a physical examination for first grade enrollment. Allows for the pupil to be excluded from school for up to five days based on the failure to comply or sign a waiver. Notification should also inform parents or guardians of the availability of free health screenings through the local health department.

### **Foster Children Bill of Rights-EC 48853, 48853.5, 49069.5, 51225.1, 51225.2**

Note: AB 224 - The California Department of Education, in consultation with the California Foster Youth Education Task Force, was ordered under AB 224 to develop a standardized notice of the educational rights of foster children and provide it on the CDE's website. School districts must include the rights of foster children as part of the annual notifications to parents. The rights are specified in Education Code sections 48850 to 48853.5 inclusive, 48911, 48915.5, 49069.5, 49076, 42921, 51225.1, and 51225.2 as well as Welfare and Institutions Code section 16001.9.

### **Coursework and Graduation Requirements for Children of Military Families, and Other Protected Pupils-EC 47901, 51225.1, 51225.2**

School districts must include the rights of children of military families regarding coursework and graduation requirements. These rights are specified in Education Code sections 47901, 51225.1 and 51225.2. In addition to children of military families, these sections shall apply to a pupil who is a migratory child and a pupil participating in a newcomer program.

### **Asbestos-40 C.F.R. 763.93**

School districts must notify parents, teachers and employee organizations in writing of its plan for eliminating health risks that are created by the presence of asbestos in school buildings. The plan must identify the asbestos-containing material located in the school building. The plan should be made available for review at the district office.

### **Use of Pesticides-EC 17612, 48980.3**

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, and 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). A sample Pesticide Notification Request letter is provided herewith.

If the school has developed an integrated pest management plan, the school shall inform parents or guardians of the website on which the integrated pest management plan can be viewed and/or include the integrated pest management plan within the annual notifications. The integrated pest management plan should include the name of the school designee or plan manager, include the pesticides expected to be applied at the school site by school or district employees or by hired pest control applicators and include a date when the plan will be reviewed, and if necessary, updated. The plan should also include whether the school intends to use a pesticide not listed within Education Code section 17610.5. Finally, the notice must indicate that parents or guardians may view the integrated pest management plan at the school site office.

### **School Bus and Passenger Safety-EC 39831.5**

Requires school districts to provide bus safety regulations to all new students in pre- kindergarten, kindergarten and first through sixth grade inclusive who were not previously transported by school bus. The bus safety regulations shall include: a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops.

### **Williams Complaint Policy & Procedures-EC 35186**

Requires school districts to use a modified uniform complaint process to help identify and resolve deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or miss- assignment. Notice of the complaint process and the location at which to obtain a complaint form shall be posted in classrooms. Complaints may be filed anonymously.

### **Notice of Alternative Schools-EC 58501**

The following notice shall be sent to all parents and guardians as required by Section 48980:

California State law authorizes all school districts to provide for alternative schools. Section 58500 of 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/her desire to learn.
- (c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may be conceived by him/her totally and independently or result in whole or in part from a presentation by his/her 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.

If any parent, pupil, or teacher is interested in further information concerning alternative schools, the notice shall indicate 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 their information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district.

A copy of the notice shall also be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance area for the entire month of March in each year.

## **Statement of Non-Discrimination**

Discrimination in education programs is prohibited by state and federal law. School districts shall notify parents and guardians of all students of the District's non-discrimination policy. Education Code section 200, et seq. requires school districts to afford all pupils regardless of gender, gender identity, gender expression, sex, race, color, religion, natural origin, immigration status, ethnic group identification, mental or physical disability, sexual orientation, or the perception of one or more of such characteristics, equal rights and opportunities in accessing educational programs, activities and facilities. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Title IX prohibits discrimination on the basis of sex. The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. This policy requires notification in the native language of persons with limited English language skills if service area contains a community of minority persons with limited English language skills. The notification must state that the 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 non-compliance with this policy are investigated through the Uniform Complaint Process.

## **Attendance-EC 48980(h)**

School districts must notify parents and guardians of all existing statutory attendance/enrollment options and local attendance options available in the school district.

## **Residency Requirements-EC 48200, 48204, 48204.3, 48204.4, 48204.6**

School districts must notify parents of the age requirements for pupils subject to compulsory education and the requirement for parent(s) to enroll pupils of compulsory age in the school district in which the residence of either the parent or legal guardian resides. A pupil may alternatively comply with the residency requirements for school attendance in a school district, if he or she meets any of the following:

1. a pupil who is placed within the boundaries of the school district in a foster home or licensed children's institution as defined by Education Code 56155.5 or a family home pursuant to a commitment or placement under the Welfare and Institutions Code;
2. a pupil who is a foster child and remains in his or her school of origin;
3. a pupil for whom interdistrict transfer has been approved;
4. an emancipated pupil who resides within the boundaries of the school district;
5. a pupil who lives in the home of a care giving adult that is located within the boundaries of the school district;
6. a pupil residing in a state hospital located within the boundaries of the school district;
7. a pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week;
8. a pupil whose parent or legal guardian is physically employed within the boundaries of the school district for a minimum of 10 hours during the school week;
9. a pupil who is a child of a military family may continue his or her education in his or her school

or origin, regardless of any changes of residence of the military family during that school year, for the duration of the pupil's status as a child of a military family; and

10. a pupil whose parent or parents were residents of this state and have departed California against their will, and if the pupil seeks admission to a school of a school district, shall be admitted, regardless of his or her current residency, provided the pupil has:
  - a. Official documentation evidencing the departure of his or her parent or legal guardian;
  - b. Moved outside of California as a result of his or her parent or legal guardian departing against their will and the pupil lived in California immediately before moving outside of California; and
  - c. Provides documentation that the pupil was enrolled in a California public school immediately before moving outside of California.

A school district may also deem a pupil as having complied with the residency requirements for school attendance in the school district if one or both of the parents or legal guardians of the pupil are physically employed within the boundaries of the school district for a minimum of 10 hours during the school week.

- **Intradistrict Choice Policy-EC 35160.5(b):** Requires school districts to adopt rules and regulations establishing a policy on Intradistrict/open enrollment within the district for residents of the district.
- **Interdistrict Attendance-EC 46600, et seq.:** 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.
- **Open Enrollment Act-EC 48350, et seq.:** Requires school districts to notify parents of students enrolled in "low-achieving schools," as identified by the Superintendent of Public Instruction each year, of their right to request a transfer to a higher-achieving school.
- **District of Choice-EC 48300, et seq.:** Some school districts may choose to become a district of choice: a district that accepts transfer students from outside the district under the terms of a resolution adopted by that district's school board. A school board that decides to become a district of choice must determine the number of transfers it is willing to accept and make sure that students are selected through a random and unbiased process.
- **Absence for Confidential Medical Services-EC 46010.1:** Requires school districts to notify pupils in grades 7 to 12, and their parents, that law permits a school to excuse pupils for purpose of obtaining confidential medical services without the consent of parent or guardian.
- **Absence for Religious Instruction-EC 46014:** Authorizes school districts to adopt resolution and regulations to allow pupils with parent consent to be excused to participate in religious exercises/instruction.
- **Notification of Minimum Days and Pupil Free Staff Development Day-EC 48980(c):** Requires annual notification advising parents of the schedule of minimum days and pupil-free staff development days at the beginning of the school year or as early as possible/no later than one month prior to the start of school. The school calendar may be included within the annual notifications to meet this requirement.
- **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 Education Code section 48205 for missed assignments/tests that can reasonably be provided/completed.



- **Excused Absence; Justifiable Personal Reasons; Credit-EC 48205:** State law permits students to be absent for justifiable reasons and allows for completion of missed assignments. Students who are absent without valid excuse from their parents/guardians, may be subject to truancy and/or criminal proceedings under Education Code section 48260, et seq.
- **Excused Absences:**
  - (1) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
    - (a) Due to the pupil's illness.
    - (b) Due to quarantine under the direction of a county or city health officer.
    - (c) For the purpose of having medical, dental, optometric, 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, including absences to care for a sick child for which the school shall not require a note from a doctor.
    - (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.
    - (i) For the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in EC 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district
    - (j) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
    - (k) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.
  - (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 therefore. 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, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.
- **Truancy:**
  - The first time a truancy report is issued, the pupil and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school's designees to discuss attendance issues and develop a plan to improve attendance.
  - The second time a truancy report is issued within the same school year, the pupil may be given a warning by a peace officer pursuant to Penal Code section 830.1. The pupil may also be assigned to an afterschool

or weekend study program located within the same county as the pupil's school.

- The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant and may be required to attend an attendance review board or a truancy mediation program pursuant to EC 48263.
- The fourth time truancy is issued within the same school year, the pupil may be brought within jurisdiction of the Juvenile Court that may adjudge the pupil to be a ward of the court pursuant to Welfare and Institutions Code section 601.

### **Teacher Qualifications- Title I, Part A 1112(e)**

The parents or guardian of all pupils shall be notified that they may request specified professional qualifications of the student's classroom teacher(s) and assigned paraprofessional(s).

### **Employee Interactions with Pupils-EC 44050**

School district to insert a copy of the section within its employee code of conduct regarding employee interactions with pupils. The notifications shall also provide the internet address where this information may be accessed by the parent or legal guardian online.

### **Uniform Complaint Procedures-5 C.C.R. 4622; EC 33315**

School districts must provide annual written notification to pupils, employees, parents, district advisory committee, school advisory committees, and other interested parties of the district's Uniform Complaint Procedures. This information shall include the person responsible for processing complaints. The notice shall also advise recipients of the appeal or review procedures as well as civil law remedies available. The Uniform Complaint Procedures apply to complaints involving adult education programs, categorical aid programs, migrant child education, career technical education training programs, child care and development programs, allegations of unlawful discrimination, harassment, intimidation or bullying, lactation accommodations, non-compliance with school safety planning requirements, pupil fees, courses of study, instructional minutes for physical education, local control and accountability plans, any deficiencies related to preschool health and safety issues for a California state preschool program, and matters pertaining to the right of foster youth, homeless youth, former juvenile court school pupils, and children of military families. Copies of the Uniform Complaint Procedures must be made available free of charge.

### **Parent Attendance with Suspended Students During School Day-EC 48900.1**

School districts must provide parents or guardians with notice prior to a school district implementing a policy authorizing teachers to require the parent or guardian of a suspended pupil to attend a portion of a school day in the class of the suspended pupil.

### **School Accreditation-EC 35178.4**

Requires school districts 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**

School districts must notify parents or guardians 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-20 U.S.C. 1232g; EC 49063, 49068, 49069, 49073**

Federal and State laws grant certain rights of privacy and right of access to pupil records to students and to their parents. School districts must inform parents, pupils 18 and over, pupils 14 and over that are identified as both homeless and an unaccompanied youth, and individuals who have completed and signed a Caregiver's Authorization Affidavit of their rights concerning pupil records under Section 49063 at least annually and upon initial enrollment.

The annual notice shall inform parents, or an eligible student, of:

- 1) The types of records and the information contained therein which are directly related to the student and maintained by the institution;
- 2) Their right to review individual records by making a written request for the same;
- 3) The school district must respond to a pupil record request by providing access no later than five business days following the date of request;
- 4) Availability of qualified personnel to interpret records, if requested;
- 5) Procedures for challenging content of pupil records;
- 6) In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page;
- 7) District policies and procedures relating to: location of records, if not centrally located; position of official responsible for maintenance of records; access by other persons; policy for review and expunging of records;
- 8) Categories of information designated as directory information pursuant to Section 49073;
- 9) When a student moves to a new district, records will be forwarded upon the request of the new school district within 10 school days. At the time of transfer the parent (or eligible student) may review, receive a copy (at a reasonable fee), and/or challenge the records; and
- 10) Their right to file a complaint with the Family Policy Compliance Office in the U.S. Department of Education if they believe the school district is not in compliance with federal regulations regarding privacy.

#### **Safe Place to Learn Act-EC 234, 234.1**

School districts shall adopt policies that address the following:

- 1) Prohibits discrimination, harassment, intimidation and bullying based on actual or perceived characteristics set forth in EC § 220 and Penal Code 422.55;
- 2) Adopts a process for receiving and investigating complaints of discrimination, harassment, intimidation and bullying;
- 3) Maintenance of documentation of complaints and their resolution;
- 4) Process to ensure complainants are protected from retaliation and the identity of a complainant is kept confidential if appropriate; and
- 5) Identification of a responsible LEA officer to ensure compliance.

The school district's policies and process for filing a complaint should be publicized to pupils, parents, employees and agents of the governing board. The notice shall be in English and in the primary language if 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 inclusive, speak a single primary language other than English as determined by census data. The antidiscrimination and anti-harassment policies shall also be posted in schools and administrative offices.

#### **Pupil Protections Relating to Immigration and Citizenship Status-EC 234.7**

Requires the school district to provide information to parents and guardians regarding their children's right to a free appropriate public education, regardless of immigration status or religious beliefs. This information shall include information relating to "know your rights" immigration enforcement and model policies established by the Attorney General.

#### **Directory Information-EC 49073**

Directory information of any pupil or former pupil may be released pursuant to local school district policy. Notice shall be given annually to all parents and guardians of the categories of information the school intends to release and the recipients of the information. The directory information of a particular pupil shall not be released if a parent or guardian notifies the school district that the information may not be released. The release of directory information of a pupil identified as a homeless child or youth is prohibited unless a parent or eligible student has provided written consent for the release of the information. EC 49061(c) identifies directory information that may be released. Sample language:

“The district also makes student *directory information* available in accordance with state and federal laws. *Directory information* includes the student's name, address, telephone number, date of birth, e-mail address, 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 pupil. Appropriate directory information may be provided to any agency or person except private, profit-making organizations (other than employers, potential employers, or news media). Names and addresses of seniors or terminating students may be given to public or private schools and colleges.

*Upon written request from the parent of a student age 17 or younger, the district will withhold directory information about the student. If the student is 18 or older or enrolled in an institution of postsecondary instruction and makes a written request, the pupil's request to deny access to directory information will be honored. Requests must be submitted within 30 calendar days of the receipt of this notification. Additionally, directory information related to homeless or unaccompanied youths will not be released without the express written consent for its release by the eligible pupil or guardian.*

If you do not wish to have your child's directory information released, please sign below and return to the school office within the next 30 days. Note that this will prohibit the district from providing the pupil's name and other information to the news media, interested schools, parent-teacher associations, interested employers, and similar parties.”

### **Surveys-EC 51513; 20 U.S.C. 1232h**

School districts are required to notify parents or guardians of the need for their written permission before any test, questionnaire, survey or examination containing any questions about their child's personal beliefs or practices (or the pupil's family's beliefs or practices) in sex, family life, morality and religion, may be administered to any pupil in kindergarten, or grades 1- 12, inclusive. No pupil will be required to submit to the survey, analysis or evaluation without parent's prior written consent. Notification must include specific or approximate dates of when any survey containing sensitive, personal information is to be administered and must provide an opportunity for parents to opt pupils out of participating in the survey. Parents must be given the opportunity to inspect any third-party survey upon request.

*Per EC 51514, any school district which administers a voluntary survey that currently includes questions pertaining to sexual orientation and gender identity shall not remove those questions from subsequent administrations of the survey.*

### **Pupil Fees-EC 49010**

School districts shall establish policies concerning the provision of a free education to pupils. Notice of the school district's fee policies and that complaints regarding pupil fees shall be handled through the Uniform Complaint Procedures shall be provided to pupils, parent, guardians and employees on an annual basis.

### **Rights of Parents or Guardians to Information and Participation-EC 51101**

The school district should provide notice to parents or guardians of their right to be informed by the school, and to participate in the education of their children, as to the following:

- 1) To observe the classroom(s) in which their child is enrolled for the purpose of selecting the school their child will enroll in pursuant to the intradistrict and interdistrict attendance policies;
- 2) To meet with their child's teacher(s) and principal of the school in which their child is enrolled;
- 3) To volunteer their time and resources for the improvement of school facilities and school programs;
- 4) To be timely notified if their child is absent from school without permission;
- 5) To receive the results of their child's performance on standardized and statewide tests;
- 6) To request a particular school for their child and receive a response from the school district;
- 7) To have a school environment for their child that is safe and supportive of learning;
- 8) To examine the curriculum or materials of the class(es) in which their child is enrolled;
- 9) To be informed of their child's progress in school and who to contact if a problem arises;
- 10) To have access to the school records of their child;
- 11) To receive information regarding the academic performance standards and skills their child is expected to accomplish;
- 12) To be informed in advance about school rules, discipline, attendance, dress code and procedures for visiting the school;
- 13) To receive information about any psychological testing the school performs on their child and to deny permission to giving the test;
- 14) To participate as a member of a parent advisory committee, school site council or site-based management leadership team;
- 15) To question anything in their child's record that the parent feels is inaccurate or misleading and to receive a response from the school; and
- 16) To be notified as early in the year as practicable if their child is identified as being at risk of retention.

#### **California Assessment of Student Performance and Progress-EC 52052, 60640**

The California Assessment of Student Performance and Progress ("CAASPP") System was established on June 1, 2014. Commencing with the 2014-2015 school year, the CAASPP System includes Smarter Balanced Summative assessments in English Language Arts and Math in grades three through eight and eleven and California Alternate Assessments ("CAA") in English Language Arts and Math in grades three through eight and eleven for students with significant cognitive disabilities. The California Science test ("CAST") for science is required for all students in grades five, eight and once in high school unless the student's IEP indicates administration of the CAA. An optional, standards-based test in Spanish for reading/language arts in grades two through eleven for Spanish-speaking English learners who either receive instruction in their primary language or have been enrolled in a school in the United States for less than twelve months may be administered at District discretion. A parent or guardian may make a written request to excuse his or her child from any or all parts of the assessment.

#### **Pupil Collection of Debt-EC 49014**

A pupil or former pupil, unless emancipated at the time the debt is incurred, shall not owe or be billed for a debt owed to a local education agency. The local education agency cannot take negative action against a pupil or former pupil for a debt owed, including, but not limited to, all of the following:

- Denying full credit for any assignments for a class;
- Denying full and equal participation in classroom activity;
- Denying access to on-campus educational facilities, including, but not limited to, the library;
- Denying or withholding grades or transcripts;
- Denying or withholding a diploma;
- Limiting or barring participation in an extracurricular activity, club, or sport; and
- Limiting or excluding from participation in an educational activity, field trip, or school ceremony.

#### **Electronic Products or Services that Disseminate Advertising-EC 35128.5**

If a district enters into a contract for electronic products or services that requires the dissemination of advertising to students, the district must provide written notice to the parents or guardians of the students that the advertising will be used in the classroom or other learning centers.

### **Access to Student Mental Health Services-EC 49428**

A school of a school district or county office of education and a charter school shall notify parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both. Whether including this notice in the annual parent notification is mandatory or optional depends on which combination of methods of notification the school decides to use to inform parents or guardians.

### **Bullying and Harassment Prevention Information-EC 234.6**

Requires school districts to make readily accessible on the district's website information on bullying and harassment prevention. Commencing with the 2020-21 academic year, each county office of education, school district, and charter school – or LEA (“local education agency”) for the purpose of this section – shall ensure that all of the following information is readily accessible in a prominent location on the local educational agency's existing website in a manner that is easily accessible to parents or guardians and pupils:

1. The LEA's policy on pupil suicide prevention in grades 7 to 12
2. The LEA's policy on pupil suicide prevention in kindergarten and grades 1 to 6, including reference to the age appropriateness of that policy
3. The definition of discrimination and harassment based on sex, and the rights derived from the Sex Equity in Education Act
4. The Title IX information included on a LEA's internet website, which should also include the District's training materials
5. A link to the Title IX information included on the department's internet website
6. The LEA's written policy on sexual harassment, as it pertains to pupils
7. The LEA's policy, if it exists, on preventing and responding to hate violence
8. The LEA's anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies
9. The LEA's anti-cyberbullying procedures
10. A section on social media bullying that includes all of the following references to possible forums for social media bullying:
  - a. Internet websites with free registration and ease of registration
  - b. Internet websites offering peer-to-peer instant messaging
  - c. Internet websites offering comment forums or sections
  - d. Internet websites offering image or video posting platforms
11. A link to statewide resources, including community-based organizations, compiled by the department
12. Any additional information the LEA deems important for preventing bullying and harassment

**“At-Promise” Youth Changes-EC 234.1, 8266.1; 8423; 8801; 11300; 33426; 42920; 44324; 45391; 48660.1; 51266; 54690; 60901; 69981; PC 5087; 6025; 6027; 13825.2; 13825.4; 13825.5; 13826.11; 13864**

The term “at risk” to describe youth for purposes of various provisions of Education and Penal Code is now deleted and replaced with the term “at promise.”

### **Sexual Harassment: Written Policy: Posters-EC 231.5-231.6**

School districts are required to provide a written copy of the sexual harassment policy as a part of an orientation program, as well as to each faculty or staff member at the beginning of the first quarter or semester.

### **Self-Administration of Prescribed Asthma Medication-EC 49423.1**

Requires a school district to accept a written statement provided by a physician or surgeon permitting a student to self-

administer asthma medication. The written statement shall detail the following:

- 1) The name, method, amount and time schedules by which the medication is to be taken
- 2) A confirmation that the student can self-administer inhaled asthma medication
- 3) A written statement from the parent, foster parent, or guardian consenting to the self-administration
- 4) A release for the school nurse or other designated school personnel to consult with the healthcare provider of the student regarding any questions that may arise about the medication
- 5) A release from civil liability for the school district and school personnel if the student suffers an adverse reaction by taking the medication

The statement from the student's physician or surgeon may be one who is contracted with a prepaid health plan operating in Mexico, provided the statement is in both English and Spanish. A school nurse or other designated school personnel will be subject to professional review, liable in a civil action or subject to criminal prosecution for acts or omissions relating to the student self-administering the medication in accordance with physician's written statement. Furthermore, a school district will not be subject to civil liabilities if the student suffers an adverse reaction self-administering the asthma medication in accordance with the written statement from the physician.

### **Homework Assignments for Suspended Pupils-EC 47606.2; 48913.5**

A teacher is required to provide any student in grades 1-12 who has been suspended from school for more than 2 days the homework the student would have been assigned upon request from the parent, guardian, or student. If the request for the homework has been made, the assignments must be turned into the teacher by the student upon either the student's return to school from the suspension or within the timeframe initially prescribed by the teacher, whichever later. If the teacher is unable to grade the homework assignment before the end of the academic term, the assignment shall not be included in the calculation of the student's overall grade.

### **Interdistrict Attendance: Prohibition on Transfers by a School District of Residence-EC46600**

Requires a student's school district of residence to approve an intradistrict transfer for a victim of bullying. If there is no available school for an intradistrict transfer and the school district of proposed enrollment agrees, the school district of residence may not prohibit the transfer. A school district of proposed enrollment is required to accept all students who apply to transfer as victims of bullying until the district is at maximum capacity. The school district of proposed enrollment are required to ensure the students are selected through an unbiased process that prohibits inquiry into whether the student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, race, ethnicity, gender, gender identity, gender expression and immigration status. Upon request of the parent or guardian, the school district of enrollment is required to provide transportation assistance if the student is also eligible for free or reduced -price meals.

### **Special Education: Nonpublic, Nonsectarian Schools or Agencies-EC 51225.2; 56365; 56366.1; 56366.4; 56366.10**

#### NPSs/NPAs Training

The NPA or NSP is required to document the training of staff who will have contact or interaction with students during the school day in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS'/NPA's student population. The training must be provided within 30 days of enrollment for new staff, and annually to all staff who have contact with students during the school day. The training shall be selected and conducted by the NPS/NPA and must satisfy the following conditions:

1. Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught
2. Be taught in a manner consistent with the development and implementation of individualized education programs; and
3. Be consistent with the requirements of Education Code relating to pupil restraint and seclusion

The content of the training shall include, but is not limited to, all the following:

1. Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan and implement behavioral supports;
2. How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors; and
3. Evidence-based interventions for reducing and replacing the challenging behaviors, including de-escalation techniques.

The LEA contracting with the NPS/NPA shall annually verify compliance with these training requirements and the NPS/NPA shall annually report to the California Department of Education (“CDE”) this verification. Written records of the annual training shall be maintained and provided upon request.

#### NPS/NPA Administrator Credential/License

The NPS/NPA is required to document (in the application for certification with CDE) that the administrator of the NPS/NPA holds or is in the process of obtaining one of the following:

1. An administrative credential granted by an accredited postsecondary education institution and two years of experience with students with disabilities;
2. A pupil personal services credential and authorizes school counseling or psychology;
3. A license as a clinical social worker issued by the Board of Behavioral Sciences;
4. A license in psychology regulated by the Board of Psychology;
5. A master’s degree issued by an accredited postsecondary institution in education, special education, psychology, counseling, behavioral analysis, social work, behavioral science, or rehabilitation;
6. A credential authorizing special education instruction and at least two years of experience teaching in special education before becoming an administrator;
7. A license as a marriage and family therapist certified by the Board of Behavioral Sciences
8. A license as an educational psychologist issued by the Board of Behavioral Sciences; or
9. A license as a professional clinical counselor issued by the Board of Behavioral Sciences

#### NPS/NPA Notification of Law Enforcement Involvement

A NPS/NPA is required to notify CDE and the LEA of any student involved incident at the NPS/NPA in which law enforcement was contacted. This notification shall be provided in writing no later than one business day after the incident occurred.

#### NPS/NPAs Qualified Individual to Implement a Behavioral Intervention Plan (“BIP”)

A NPS serving students with significant behavioral needs or who have a BIP must have an individual onsite during school hours who is qualified and responsible for the design, planning and implementation of behavioral interventions to be certified by CDE.

#### Requirements for LEA’s

For a NPS/NPA seeking initial certification, the LEA is required to verify that the plan and timeline for the new training requirements are included in the master contract. For NPS/NPA’s not in existence as of January 1 immediately preceding a school year, the LEA verify that the new training requirements are complied with 30 days following the commencement of the school year. The LEA is required to submit verification to the Superintendent at that time.

An LEA that enters into a master contract with a NPS/NPA school shall conduct, at minimum, the following:

1. An onsite visit to the NPS/NPA before placement of a pupil if the LEA does not have any pupils enrolled at the school at the time of placement



2. At least one onsite monitoring visit during each school year to the NPS/NPA at which the LEA has a pupil attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to:
  - a. A review of services provided to the pupil through the individual service agreement between the LEA and NPS/NPA;
  - b. A review of progress the pupil is making toward the goals set forth in the pupil's Individualized Education Program;
  - c. A review of progress the pupil is making toward the goals set forth in the pupil's BIP if the pupil has a BIP;
  - d. An observation of the pupil during instruction; and
  - e. A walkthrough of the facility
3. The LEA shall report the findings resulting from the monitoring visit to CDE within 60 days of the onsite visit. On or before June 30, 2020, CDE, shall, with input from special education local plan area administrators, create and publish criteria for reporting this information to the department.

**School Accountability: Local Control and Accountability Plans: State Priorities: Pupil Achievement-EC 52060; 52066**

Requires school districts and county boards of education to measure pupil achievement in their local control and accountability plan (LCAP) separate calculations for the following:

1. The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and California State University;
2. The percentage of students who have successfully completed courses that satisfy the requirements for career technical education sequences or programs of study that align with state board-approved career technical education standards; and
3. The percentage of students who have successfully completed both types of courses described in 1 and 2

**Migrant Education: Pupil Residency-EC 48204.7**

Provides migratory students with right to attend their school of origin in a similar manner to the rights provided to foster students and homeless students. Migratory students must be allowed to continue to attend their school of origin regardless of any subsequent change of residency so long as the student continues to be a student "who is a migratory child." A student who is transitioning between grade levels must be allowed to continue to attend the school district of origin in the same attendance area. A student who is transitioning to middle or high school must be allowed to attend the school district or origin's designated middle or high school even if the school is located within another school district. The enrolling school district is required to enroll the student even if the student has outstanding fees or items due to the last school district, or if the student is unable to produce enrollment records. If the receiving school has a uniform policy the student must immediately be enrolled even if the student does not have the appropriate school uniform clothes. If a migratory student loses their status during the school year, the student will be allowed to attend the school of origin of the remainder of the years for students in Kindergarten through 8<sup>th</sup> grade. High school students must be allowed to continue at the school of origin through graduation. The school of origin is required to inform the student and their parents of the student's eligibility to receive migrant education services.

**Pupil Suicide Prevention Policies-EC 215**

Requires a school district, county office of education, or charter school that serves students in Kindergarten through 6<sup>th</sup> grade to adopt or update a policy on suicide prevention that specifically addresses the needs of high-risk groups within those grades including prevention, intervention, and postvention. The definition of high-risk groups includes (but not be limited to):

1. Students bereaved by suicide
2. Students with disabilities (including mental health disorders)
3. Students with substance use disorders
4. Homeless youth

5. Foster youth
6. LGBTQ students

The policy must be age appropriate and, in a manner, sensitive to the needs of young people. The policy must also address any training on suicide awareness and prevention to be provided to teachers of students in all grades served by the education agency.

**Employees: Lactation Accommodation-LC 1034; 1030; 1031; 1033**

Requires an employer to provide a private lactation location other than a bathroom that must be in “close proximity to the employee’s workspace” with the following features:

1. Is shielded from view and free from intrusion while the employee expresses milk;
2. Contain a surface to place a breast pump and personal items;
3. Contain a place to sit;
4. Have access to electricity or alternative devices (such as extension cords or charging stations) needed to operate an electric or battery powered breast pump

Employers must also provide access to a sink with running water and refrigerator or other cooling device suitable for storing milk in close proximity to the employee’s workspace. An employer in a multitenant building or multiemployer worksite may comply with this law by providing a space shared among multiple employees within the building or worksite if the employer cannot provide a lactation location within the employer’s own workspace. An employer who fails to provide break time or adequate lactation accommodations may be fined one hundred dollars (\$100) for each day an employee is denied reasonable break time or adequate space to express milk.

In addition, employers are required to develop and implement a policy regarding lactation accommodation requirements that include the following:

1. A statement about an employee’s right to request lactation accommodation;
2. The process by which the employee makes the request;
3. An employer’s obligation to respond to the request; and
4. A statement about an employee’s right to file a complaint with the Labor Commission for any violation of the law

This policy must be included in the employee handbook made available to employees and distribute the policy to new employees at the time of hire and when an employee makes an inquiry about or requests parental leave.

An employer with fewer with 50 employees who can demonstrate that this requirement would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business. The employer must make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, near the employee’s work area for the employee to express milk in private.

**Discrimination: Hairstyles-EC 212.1; GC 12926**

Bans discrimination on the basis of race for access to education and in hiring, promoting, and termination individuals to include traits associated with race, including “hair texture” and “protective hairstyles.” “Protective hairstyles” is defined to include (but not limited to) styles such as braids, locks, and twists.

**Pupil Meals: Child Hunger Prevention and Fair Treatment-EC 49557.5**

Prohibits a student whose parent or guardian has unpaid meal charges from being shamed, treated differently, or denied a reimbursable meal of the pupils choice because of the fact that the student’s parent or guardian has unpaid meal fees, and shall ensure that the student is not shamed or treated differently from other students. A student who has unpaid meal charges is required to be served a reimbursable meal of their choice through the school year regardless of the level of

debt incurred by the household. Schools with a current meal charge policy that allows for alternate meals or debt limits must immediately revise their local meal charge policies and provide written communication to households. School personnel cannot deny or delay students from receiving meals based on any disciplinary action. Furthermore, school personnel may not take any action directed at a student to collect unpaid meal debt but must direct these efforts to the parent or guardian. Before sending the notification to parents or guardians regarding a debt balance, the local education agency must attempt to directly certify the student for free or reduced-price meals.

### **Immunizations: Medical Exemptions-H&SC 120372; 120372.05; 120440**

Changes the requirements for medical exemption and imposes additional requirements for physicians, parents, schools as defined below:

#### Use of Standardized Medical Exemption Form

By January 1, 2021, the California Department of Public Health is required to develop and make available for use by licensed physicians and surgeons and electronic, standardized, statewide medical exemption request form that would be transmitted using the California Immunization Registry and would be the only documentation of a medical exemption that a school may accept. At minimum, the medical exemption form must require all of the following:

1. The name, California medical license number, business address, and telephone number of the physician and surgeon who issue the medical exemption, and of the primary care; physician of the child, if different from the physician who issued the medical exemption
2. The name of the child for whom the exemption is sought, the name and address of child's parent or guardian, and the name and address of the child's school or other institution
3. A statement certifying that the physician has conducted a physical examination and evaluation of the child consistent with the relevant standard of care and complied with all applicable requirements of this law;
4. Whether the physician who issued the medical exemption is the child's primary care physician. If the issuing physician is not the child's primary care physician, the issuing physician shall also provide an explanation as to why the issuing physician and not the primary care physician is filling out the medical exemption form;
5. How long the physician has been treating the child;
6. A description of the medical basis for which the exemption for each individual immunization is sought. Each specific immunization shall be listed separately and space on the form shall be provided to allow for the inclusion of descriptive information for each immunization for which the exemption is sought;
7. Whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. A temporary exemption shall not exceed one year. All medical exemptions shall not extend beyond the grade span, as defined by this law;
8. An authorization for the department to contact the issuing physician for purposes of this law and for the release of records related to the medical exemption to the department, the Medical Board of California, and the Osteopathic Medical Board of California; and
9. A certification by the issuing physician that the statements and information contained in the form are true, accurate, and complete

#### Requirement of Physicians and Surgeons to Provide Notice to Parents

If a parent of guardian requests a licensed physician and surgeon to submit a medical exemption for the parent's or guardian's child, the physician and surgeon shall inform the parent or guardian of the requirements set forth above. If the parent or guardian consents, the physician and surgeon shall examine the child and submit a completed medical exemption certification from to the State Department of Public Health.

#### Requirement by Schools to Submit Annual Reports on Immunization Status to the State

Requires the governing authority of a school to file a written report on the immunization status of new students to the school with the State Department of Public Health and the local health department at times and on forms prescribed by

the State Department of Public Health. These reports are required to be filed on at least an annual basis.

#### State's Review of Medical Exemptions

Requires the State Department of Public Health to annually review immunization reports from schools to identify schools with an overall immunization rate of less than 95%, physicians and surgeons who submitted 5 or more medical exemption forms in one calendar year, and schools and institutions that do not report immunization rates to the department. A clinically trained department staff member who is a physician and surgeon or registered nurse is required to review all medical exemption forms submitted meeting those conditions. Medical exemptions issued prior to January 1, 2020 will not be revoked unless the exemption was issued by a physician or surgeon that has been subject to disciplinary action by the Medical Board of California or the Osteopathic Medical Board of California.

#### Appeal Rights

A parent or guardian may appeal a medical exemption denial or revocation to the Secretary of California Health and Human Services. The appeal is to be conducted by an independent expert review panel of licensed physicians and surgeons, who are required to evaluate appeals consistent with specified guidelines and to submit its decision to the Secretary. The Secretary is required to adopt the determination of the independent expert review panel and promptly issue a written decision to the child's parent or guardian. This final decision is not subject to further administrative review. The student who is appealing a medical exemption revocation may continue school attendance without being required to commence the immunization schedule required for conditional admittance, so long as the appeal is filed within 30 calendar days of the revocation.

#### **Immunizations-H&SC 120370; 120372; 120372.05**

If a parent or guardian files with the governing authority of a school a written statement by a licensed physician and surgeon stating that immunization is not considered safe prior to January 1, 2021, the child shall be exempt from vaccination requirements. A child who has a medical exemption issued before January 1, 2020 can continue enrollment at the school until the next grade span which is each of the following: birth to preschool, Kindergarten and grades 1 to 6 (including transitional kindergarten), and grades 7-12. On or after July 1, 2021, a school may not unconditionally admit or readmit or advance any student to 7<sup>th</sup> grade level unless the student has been immunized or has a medical exemption through a procedure that includes the completion of the statewide form.

#### **Protection and Advocacy Agency-W&IC 4900; 4902; 4903**

Implements protection and advocacy agency access to investigate and advocate for the rights of persons with developmental and mental health disabilities. Following a complaint or report of alleged abuse and a finding of probable cause, the agency is entitled to investigate and must be provided reasonable access to the facility. This includes the opportunity to interview any individual with a disability, employee, or other person with knowledge of the alleged abuse. The agency is entitled to monitor a facility's, program's, or service providers compliance with the rights and safety of individuals with disabilities. The school district is required to provide the agency with the name and contact information for the parent or guardian of a student and the agency has authority to access, inspect, and copy the student's records.

#### **Pupil Discipline: Suspensions: Willful Defiance-EC 48901.1; 48900**

Prohibits the suspension of a student for disrupting school activities or otherwise willfully defying the valid authority of school personnel engaged in the performance of their duties for grades 4 and 5. Suspension for these acts is further prohibited for grades 6 to 8 through July 1, 2025. Recommendations for expulsion of a student for these acts remains prohibited for students enrolled in any grade.

#### **Marketing: Disclosure of Student Information-20 U.S.C. 1232g**

School districts must notify parents or guardians of its policies concerning the collection, disclosure, or use of

personal information collected from students for the purpose of marketing or for selling that information and the ability to opt-out. The notification is to be provided annually, at the beginning of the school year or within a reasonable period of time after any substantive changes in the policy.

### **Title 1-20 U.S.C. 6311**

At the beginning of each school year, the school district must notify parents or guardians of each student attending any school receiving Title I funds that they may request and receive information regarding the professional qualifications of the student's classroom teachers and the student's level of achievement on State academic assessments. Parents may also request and receive information regarding whether the teacher has met the State's licensing and qualification requirements for the grade and subject areas in which they teach, whether the teacher is teaching under an emergency or provisional status, any degrees and certificates held by the teacher and whether the student is receiving services by paraprofessionals and their qualifications.

Parents or guardians must also be notified when the student has been assigned, or has been taught for four or more consecutive weeks in a core academic class, by a teacher who does not meet the NCLB qualifications. The notification must be provided in a language the parents or guardians can understand.

### **Tobacco-Free Campus-HSC 104420, 104495**

Requires all school districts and county offices of education that receive Tobacco Use Prevention (TUPE) funding to adopt and enforce a tobacco-free campus policy. Information about the policy and enforcement procedures must be communicated clearly to school personnel, parents, pupils and the larger community. Signs stating "Tobacco use is prohibited" must be prominently displayed at all entrances to school property. Information about smoking cessation support programs must be made available and encouraged for pupils and staff. Health & Safety Code section 104495 further prohibits smoking and use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground. The prohibition does not apply to private property or a public sidewalk located within 25 feet of a playground.

### **Pupils: Use of Smartphones-EC 48901.7**

A student cannot be prohibited from possessing or using a smartphone at school in the following situations:

1. During an emergency situation or as a response to a perceived threat of danger;
2. When a teacher or administrator gives permission to a student to possess or use a cell phone, subject to reasonable limitations imposed by the person giving permission;
3. When necessary for the health or well-being of a student, as determined by a licensed physician and surgeon; and
4. When possession or use of the cell phone is required pursuant to a student's individualized education program

### **Elementary and Secondary Education: Omnibus Bill-EC 1900; 35179.6; 47605; 47605.6; 48600; 49550; 51220; 51810; 52501; 52570**

Changes the definition of "school day" for school districts to any day that pupils in Kindergarten or grades 1-12, inclusive, are attending school for purposes of classroom instruction. This includes but is not limited to: student attendance at minimum days, state-funded preschool, transitional kindergarten, summer school (including incoming kindergarten students), extended school year days, and Saturday school sessions.

### **The California Complete Count: Local Education Agencies-GC 65040.17**

Requires the California Census Office to partner with local education agencies to make information about the 2020 census available to parents and students. The information provided shall include, but not be limited to:

1. The importance of the census;
2. The privacy protections and policies set forth by the United States Census Bureau;

3. Community-based resources available to assist with completing the federal census questionnaire;
4. How to access resources provided by the United States Census Bureau; and
5. Any other information the California Complete County – Census 2020 Office determines is necessary or convenient to encourage participation in the census

### **School Accountability Report Card-EC 35256, 35258**

Requires school districts to develop for each school a school accountability report card. Districts must publicize the report cards, must provide parents and guardians with a copy of the school accountability report card upon request and make a concerted effort to notify the parents of the purpose of the school accountability reports cards. Content of the report card is defined by Education Code sections 33126 and 33286.

Note: The school accountability report card is a required notification but not a part of the annual notifications. We recommend including it within the annual notifications to ensure parents are appropriately notified.

### **Comprehensive School Safety Plan-EC 32286, 32288**

The school district or charter school may notify parents and guardians of all pupils of the school safety plan. 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. The 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. The district is to notify the State Department of Education by October 15 of schools that are not in compliance with safety plans.

### **Dangerous Objects-Penal Code 417.27, 12550, 12556**

School districts may notify parent or guardian regarding prohibition of dangerous object to campus, such as laser pointers and B.B. guns, unless possession is for valid instructional or other school related purpose.

### **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 the school day and authorizes sites to establish policy.

### **Child Abuse and Neglect Reporting-Penal Code 11164**

School districts may inform parents or guardians that school district staff is required by law to report cases of child abuse and neglect to the appropriate law enforcement agency when they have a reasonable suspicion that a child has been a victim of child abuse and/ or neglect.

Reasonable suspicion does not require certainty that the child abuse and/or neglect has occurred. The reporting staff member's name and report are confidential. The fact that a child is homeless, or an unaccompanied minor is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

### **Special Education: Complaints-5 C.C.R. 3080**

State regulations require the school district to establish procedures to address complaints regarding special education. School districts may notify parents and guardians of all pupils of their right to file a written complaint if they believe the school district is in violation of federal or state law governing the identification or placement of special education students, or similar issues. The notice may also include that state regulations require the party filing the complaint to forward a copy of the complaint to the local educational agency serving the child at the same time the party files the complaint with the department, in accordance with Section 300.153(d) of Title 34 of the Code of Federal Regulations. Complaint procedures are available from the student's school principal.

### **Special Education: Due Process Hearing-EC 56502**

Requires the State Superintendent to develop a model form to assist parents and guardians in filing requests for due process. School districts may notify parents and guardians of all pupils of the availability of model forms at the district office for parents who wish to initiate due process hearings relating to special education rights.

**Special Education: Inspection of School Records-EC 56043(n)**

School districts may notify parents and guardians of all pupils of 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.

**Disruption in Public School or Public Meeting-EC 32210**

School districts may inform parents or guardians that any person who willfully disturbs any public school or public-school meeting is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500).

### **Medical Record Sharing-HSC 120440**

If a school district plans to provide pupils' medical records to an immunization system, it must inform the pupil or his/her parents or guardians of the following:

1. Medical information may be shared with local health departments and the State Department of Public Health;
2. Name and address of the State Department of Health or immunization registry with which the school will share the information;
3. Any information shared shall be treated as confidential medical information;
4. The student or parent or guardian has the right to examine any immunization-related information shared in this manner and to correct any errors in it; and
5. The student or parent or guardian may refuse to allow this information to be shared in the manner described, or to receive immunization reminder notifications at any time, or both.

### **Megan's Law-Penal Code 290**

School districts may provide notification to parents and guardians that information about registered sex offenders in California and how to protect their families can be found at <http://meganslaw.ca.gov/>.

### **Liability of Parent or Guardian for Willful Pupil Misconduct-EC 48904**

School districts may provide notice that the parent or guardian of any minor may be held financially liable for the pupil's willful misconduct which results in injury or death to any pupil or person employed or volunteering for the school district or injury to real or personal property belonging to the school district or school employee. The parent or guardian of a minor shall be liable to a school district for all property belonging to the school district loaned to the minor and not returned upon demand of an employee of the school authorized to make the demand. The school district shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma or transcript pursuant to this Section.

### **Children in Homeless Situations-42 U.S.C. 11432**

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. The notice shall include:

- 1) Liaison contact information;
- 2) Circumstances for eligibility;
- 3) Right to immediate enrollment in school of origin or school where currently residing without proof of residency, immunization records or tuberculosis skin-test results, schools records, or legal guardianship papers;
- 4) Right to education and other services including to participate fully in all school activities and programs for which child is eligible, to qualify automatically for school



meal programs, to receive transportation services, and to contact liaison to resolve disputes that arise during enrollment;

- 5) That no homeless youth shall be required to attend a separate school for homeless children or youth; and
- 6) That homeless youth shall not be stigmatized by school personnel.

The notice shall be provided to the parent or guardian (or to the youth in the case of an unaccompanied youth) at the time any child or youth seeks enrollment in such school, and at least twice annually while the child is enrolled in such school and shall be signed by the parent or guardian (or the youth in the case of an unaccompanied youth).

### **Homeless Youth in After School Programs-EC 8483.1**

School districts can establish afterschool programs pursuant to the After School Education and Safety Program Act of 2002. If a school district or charter school provides such a program, it must give first priority enrollment to homeless youth and children in foster care, and then give priority to those students who attend the program daily. The program should inform the parent or caregiver of the pupil of the right of homeless and foster youth to receive priority enrollment and how to request enrollment.

### **Acceptable Use of Technology**

School districts may annually notify parents or guardians of school district policy on the acceptable use of technology on school campuses and access by pupils to the Internet and on-line sites.

### **Custody Issues**

School districts may advise parents that the school is not a forum to settle custody disputes and the school has no legal jurisdiction to refuse a biological parent access to his or her child and the child's school records with the exception of when a signed restraining order or proper divorce papers specifically setting forth limitations are on file at the school office. Custody disputes must be handled by the courts.

### **Electronic Signaling Device-EC 48901.5**

The school districts may notify parents of school district policy regulating the rights of pupils to possess or use electronic signaling devices (e.g., cell phones and pagers) on school campuses during the school day or at school activities.

### **School Visiting Procedures-EC 51101(a)(12)**

School districts may annually notify parents or guardians regarding school district policies and procedures for visiting the school. Penal Code section 627.6 requires schools to post at every entrance a notice of visitor registration requirements, registration hours, registration location, and penalties for the violation of the registration requirements.

### **Walking or Riding a Bike to School-VC 21212**

School districts may request that parents or guardians of children who walk or ride their bike to school plan a safe route to school with their children. The route shall not involve shortcuts through private property and all students are expected to exhibit good behavior. School districts may also advise parents or guardians if the school prohibits skateboards, scooters and similar items from school grounds. A student under 18 years of age may be fined for not wearing a properly fitted and fastened helmet, and the parent or legal guardian of a minor who violates this section shall be jointly and severally liable with the minor for the fine.

### **Local School Wellness Policy-EC 49432**

Public schools are required to inform the public about the content of the school's local wellness policy, established

pursuant to the federal Healthy, Hunger-Free Kids Act of 2010. Public schools are also encouraged to post a summary of nutrition and physical activity laws and regulations at each school site.

### **Illegal Recording of Confidential Communication-PC 632**

It is unlawful in California to intentionally eavesdrop or record the confidential communication between two or more parties without the consent of all parties to the confidential communication. The eavesdropping or recording of a confidential communication includes by means of any electronic amplifying or recording device whether the communication is carried on among the parties in the presence of one another or by means of a telegraph, telephone, or other device, except a radio. Such an act is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or imprisonment in the county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. Additionally, pursuant to Education Code section 51512, the use by any person, including a student, of any electronic listening or recording device in any classroom without prior consent of the teacher and the principal is prohibited. Any person, other than the student, willfully in violation shall be guilty of a misdemeanor. Any pupil in violation is subject to the school district's disciplinary procedures.