

MT BALDY JOINT SCHOOL DISTRICT

EC§48980 At the beginning of the first trimester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of its minor pupils regarding the right or responsibility of the parent or guardian under Section 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472, 49440, 51550 and 31255 et seq.

Annual Notification Requirements: Specifies selected sections of the Education Code that require annual parent notification of rights and responsibilities.

Availability of Individualized Instruction: Requires that parents be advised of the availability of individualized instruction as prescribed by Sections 48206.3 and of the program of free and reduced meals prescribed by Sections 49510.

Notification of minimum days and pupil-free staff development days: Requires that parents be advised (no later than one month prior to) of any scheduled minimum days or pupil-free staff development days.

Investing for Future Education: Provides that districts may advise parents of the importance of investing for future college or university education for their children.

Parent Employment based Attendance requires annual notification to advise parent of the availability of employment-based school attendance options.

Sexual Harassment: Requires annual notification to include a copy of the district’s written policy on sexual harassment as it relates to pupils.

Annual notification shall include a copy of the district’s written policy adopted pursuant to EC§51870.5 regarding access by pupils to internet and online sites.

Requires district to adopt rules and regulations establishing a policy of open enrollment with the district for residents of the district.

Grade Reduction Loss of Academic Credit: District shall annually notify parent(s) that no student shall have his/her grade reduced or lose academic credit for any absence(s) excused pursuant to EC§48205; for missed assignments/tests than can be reasonably be provided/completed.

EC§48982 The notice shall be signed by the parent or guardian and returned to the school. Signature of the notice is an acknowledgement by the parent or guardian that he has been informed of his rights but does not indicate that consent to participate in any particular program has either been given or withheld.

Parent/Guardian Signature

Date

Parent Request for Exemption I hereby request to have my child exempted from: (List each item by name for which you request exemption:

Parent/Guardian Signature

Date

**NOTIFICATION OF PARENT OR GUARDIAN
California Education Code (ED) Sections (§) 48980 et seq.**

EC§ 48980 – Notice at Beginning of Term; Rights and Responsibilities of Parent or Guardian; Available Programs; Options 1

- (a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472 and 51938 and Chapter 2.3 (commencing with Section 32255 of Part 19).
- (b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9 (commencing with Section 49510) of Chapter 9.
- (c) The notification shall also advise the parents and guardians of all pupils attending a school within the district of the schedule of minimum days and pupil-free staff development days, and if any minimum or pupil-free staff development days are scheduled thereafter, the governing board shall notify parents and guardians of the affected pupils as early as possible, but not less than one month before the scheduled minimum or pupil-free day.
- (d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to United States Savings Bonds.
- (e) Commencing with the 2000-01 school year, and each school year thereafter, the notification shall advise the parent or guardian of the pupil that, commencing with the 2003-04 school year, and each school year thereafter, each pupil completing 12th grade will be required to successfully pass the high school exit examination administered pursuant to Chapter 8 (commencing with Section 60850) of Part 33. The notification shall include, at a minimum, the date of the examination, the requirements for passing the examination and shall inform parents and guardians that passing the examination is a condition of graduation.
- (f) Each school district that elects to provide a fingerprinting program pursuant to Article 10 (commencing with Section 32390) shall inform parents or guardians of the program as specified in Section 32390.
- (g) The notification shall also include a copy of the district's written policy on sexual harassment established pursuant to Section 212.62, as it relates to pupils
- (h) The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. That notification shall include all options for meeting residency requirements for school attendance, programmatic options available on both an Interdistrict and intradistrict basis. That notification shall also include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification shall also include an explanation of the current statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of part 26, subdivision (f)3 of Section 48204, and Article 1.5 (commencing with Section 48209)4 of Chapter 2 of Part 27. The department shall produce this portion of the notification and shall distribute it to all school districts.5
- (i) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils with their districts and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interest of California's pupils.

NOTIFICATION OF PARENT OR GUARDIAN RIGHTS

2012-13

EC§48980

- (a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472, and 51938 and Chapter 2.3 (commencing with Section 32255) of Part 19 of Division 1 of Title 1.
- (b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9 (commencing with Section 49510) of Chapter 9.
- (c) The notification also shall advise the parents and guardians of all pupils attending a school within the school district of the schedule of minimum days and pupil-free staff development days, and if minimum or pupil-free staff development days are scheduled thereafter, the governing board of the district shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.
- (d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to, United States savings bonds.
- (e) Each school district that elects to provide a fingerprinting program pursuant to Article 10 (commencing with Section 32390) of Chapter 3 of Part 19 of Division 1 of Title 1 shall inform parents or guardians of the program as specified in Section 32390.
- (f) The notification also shall include a copy of the written policy of the school district on sexual harassment established pursuant to Section 231.5, as it relates to pupils.
- (g) The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.
- (h) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within its district and that the districts strive to make available enrollment options that meet the diverse needs, potential, and interests of the pupils of California.
- (i) The notification shall advise the parent or guardian that a pupil shall not have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

EC§48980.3

The notification required pursuant to Section 48980 shall include information regarding pesticide products as specified in subdivision (a) of Section 17612.

EC§48981 The notice shall be sent at the time of registration for the first semester or quarter of the regular school term. The notice may be sent by regular mail or by any other method normally used to communicate with the parents or guardians in writing.

EC§48982

The notice shall be signed by the parent or guardian and returned to the school. Signature of the notice is an acknowledgment by the parent or guardian that he has been informed of his rights but does not indicate that consent to participate in any particular program has either been given or withheld.

EC§48983

If any activity covered by the sections set forth in Section 48980 will be undertaken by the school during the forthcoming school term, the notice shall state that fact and shall also state the approximate date upon which any of such activities will occur.

EC§48984

No school district shall undertake any activity covered by the sections set forth in Section 48980 with respect to any particular pupil unless the parent or guardian has been informed of such action pursuant to this article or has received separate special notification.

EC4§8985

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

(b) Pursuant to subdivision (b) of Section 64001, the department shall monitor adherence to the requirements of subdivision (a) as part of its regular monitoring and review of public schools and school districts, commonly known as the Categorical Program Monitoring process, and shall determine the types of documents and languages a school district translates to a primary language other than English, the availability of these documents to parents or guardians who speak a primary language other than English, and the gaps in translations of these documents.

(c) Based on census data submitted to the department pursuant to Section 52164 in the preceding fiscal year, the department shall notify a school district, by August 1 of each year, of the schools within the school district, and the primary language other than English, for which the translation of documents is required pursuant to subdivision (a). The department shall make that notification using electronic methods.

(d) The department shall use existing resources to comply with subdivisions (b) and (c).

Note: The California Department of Education has established a Clearinghouse for Multilingual Documents to help schools meet state and federal requirements for document translation and parental notification, including the requirements in EC 48985, the No Child Left Behind Act, and other legislation. The Clearinghouse may be accessed at the following web address: <http://www.cde.ca.gov/Ls/pf/cm/>.

Attendance Options/Permits – EC§48980(h)

EC 48980(h): Requires the annual notification to advise parents or guardians of all existing statutory attendance options and local attendance options available in the school district, including all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis.

Notification to include a description of all options, a description of the procedure for application to alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance.

Notification to also include an explanation of the existing statutory attendance options including, but not limited to, those available under EC 35160.5, 46600 et seq., 48204(b), 48300 et seq, and 48350 et seq.

Note: The following is a summary of the existing statutory attendance options only.

Residency – EC48200 §and 48204

A minor between the ages of 6 and 18 years is subject to compulsory education and, unless exempted, must enroll in school in the school district in which the residence of either the parent or legal guardian is located.

A pupil may alternatively comply with the residency requirements for school attendance in a school district, if he or she is any of the following: placed in a foster home or licensed children's institution within the boundaries of the school district pursuant to a commitment of placement under the Welfare and Institutions Code; an emancipated pupil who resides within the boundaries of the school district; a pupil who lives in the home of a care giving adult that is located within the boundaries of the school district; or a pupil residing in a state hospital located within the boundaries of the school district.

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 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**.

Interdistrict Attendance – EC§46600 et seq.

The parent or legal guardian of a pupil may seek release from the home district to attend a school in any other school district. School districts may enter into agreements for the interdistrict transfer of one or more pupils for a period of up to five years. The agreement must specify the terms and conditions for granting or denying transfers, and may contain standards of reapplication and specify the terms and conditions under which a permit may be revoked.

Unless otherwise specified in the agreement, a pupil will not have to reapply for an interdistrict transfer, and the school board of the district of enrollment must allow the pupil to continue to attend the school in which he/she is enrolled.

A pupil who has been determined by personnel of either the home or receiving district to have been the victim of an act of bullying, as defined in EC 48900(r), shall, at the request of the parent or legal guardian, be given priority for interdistrict attendance under any existing agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement.

District of Choice – EC§48300 et seq.

Some school districts may choose to become a district of choice, that is, a district that accepts transfer students from outside the district under the terms of a resolution. 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, which generally means a lottery process. Students must request transfer into a district of choice by January 1 of the prior school year. A modified application process is available for relocated military personnel.

Availability of Prospectus – EC§49063 and 49091.14

Requires each school to compile annually a prospectus of the curriculum including titles, descriptions and instructional aims of every course offered by the school. Prospectus to be reproduced and made available, upon request by parent or guardian, for inspection.

Each school must annually compile a prospectus of the curriculum to include titles, descriptions and instructional goals for every course offered by the school. Please contact for a copy of the prospectus.

Child Find System – EC§56301

Requires the special education local plan area (SELPA) to establish written policy and procedures for continuous child find system including children with disabilities who are migrant or homeless or wards of the state and children with disabilities attending private schools. Policy and procedures to include written notification to all parents of their rights regarding identification, referral, assessment, instructional planning, implementation, review, and procedures for initiating referral for assessment.

Note: The district's local SELPA can provide appropriate and specific language to meet this notification requirement.

Comprehensive School Safety Plan – EC§32286

Requires school sites each July to report on status of school safety plan, including description of key elements, in the annual school accountability report card prepared under EC§ 33126 and 35256

Comprehensive School Safety Plan: Notice to Specified Persons and Entities – EC§ 32288

Requires school site council or school safety planning committee to notify, in writing, specified persons and entities about the required public meeting to allow members on the public an opportunity to express an opinion about the school plan. Specified persons or entities shall include: The mayor; representative of the local school employee organization; representative of parent organizations including the parent teacher organization and parent teacher clubs; a representative of the student body government; and all other persons that indicate they want to be notified.

Directory Information Directory Information - EC§49073

Requires notice to parents or guardians, on an annual basis, of the categories of directory information that the school plans to release and of the persons or agencies who may receive such information. Authorizes parents to preclude release by notifying the school district.

“Directory Information” includes one or more of the following items: student’s name, address, telephone number, **e-mail address**, date *** of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent public or private school attended by the student. The District has determined that the following individuals, officials, or organizations may receive directory information: .

No information may be released to private profit making entity other than employers, prospective employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. Directory information may be disclosed without prior consent from the parent or legal guardian unless the parent or legal guardian submits a written notice to the school to deny access to his/her pupil’s directory information.

Excused Absences – EC§46014 and 48205

EC 48980(a): At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Sections 46014 and 48205.

EC 48980(j): Requires the annual notification to advise the parent or guardian that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused under EC 48205, if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Requires the full text of EC 48205 be included in the annual notification.

Pupils, with the written consent of their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral or religious instruction.

No pupil shall have his or her grade reduced or lose academic credit for any excused absence or absences, if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

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

(1) Due to his or her illness.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

(4) 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.

(5) For the purpose of jury duty in the manner provided for by law.

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

(7) 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, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is 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.

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

(9) 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.

(b) 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 the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

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

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

(e) "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."

Free and Reduced-price Meals – EC§ 49510 et seq.

EC§ 48980(b): Requires the annual notification to advise the parent or guardian of the program of free and reduced-price meals prescribed by EC§ 49510 et seq.

EC§ 49520: Requires the school district to provide annual notification of the availability of the program to provide nutritious meals at school for pupils in receipt of public assistance.

Free or reduced-price lunches are available at school for pupils whose parents or legal guardians qualify, based on annual household income, and complete the required application form. Application forms may be obtained through .

Note: Alternatively, to meet this requirement, the district may consider including a meal benefits application and informational letter about the program requirements with the annual notification.

Immunizations – EC§ 49403 and 48216, HSC 120335, 120365, and 120370

Requires the school district exclude any pupil not properly immunized and to notify the parent or guardian that they have two weeks to supply evidence that the pupil has been properly immunized or that the pupil is exempt from the immunization requirements as specified in HSC 120365 or 120370. Notification to also refer the parent or guardian to usual sources of medical care to obtain the immunization(s).

Note: School districts must apply the immunization requirements in concert with the immediate enrollment mandates for homeless and foster youth.

Unless a pupil’s parent or legal guardian provides the school with an acceptable signed waiver, a pupil must be immunized against certain communicable diseases. Students are prohibited from attending school until the immunization requirements are met. The school district shall cooperate with local health officials in measures necessary for the prevention and control of communicable diseases in school age children. The district may use any funds, property, or personnel and may permit any person licensed as a physician or registered nurse to administer an immunizing agent to any student whose parents have consented in writing.

State law requires the following immunizations before a child may attend school:

- (a) All new students, **in transitional kindergarten through grade 12**, to the Mt Baldy Joint School District must provide proof of polio, diphtheria, pertussis, tetanus, measles, mumps, rubella, **and varicella** immunizations.
- (b) All **transitional kindergarten and** kindergarten students must also provide proof of vaccination against hepatitis B.
- (c) All seventh grade students must also provide proof of a second immunization for measles, mumps, rubella, **and a pertussis booster** vaccination.

Instruction for Pupils with Temporary Disabilities – EC§ 48206.3, 48207 and 48208

EC§ 48980(b): Requires the annual notification to advise the parent or guardian of the availability of individualized instruction as prescribed by EC§48206.3.

A pupil with a temporary disability which makes attendance in the regular day classes or the alternative educational program in which the pupil is enrolled impossible or inadvisable may receive individualized instruction provided in the pupil’s home for one hour a day.

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 EC §48207 and 48208.

A pupil with a temporary disability, who is in a hospital or other residential health facility, excluding a state hospital, may be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located.

It is the responsibility of the parent or guardian to notify the school district in which the hospital or other residential health facility is located of the presence of a pupil with a temporary disability. Upon receipt of the notification, the district will within five working days determine whether the pupil will be able to receive individualized instruction pursuant to EC§ 48206.3 and, if so, provide the instruction within five working days or less.

Medical or Hospital Service – EC§ 49472

School districts may provide, or make available, medical or hospital service, or both, for injuries to pupils of the district arising out of accidents related to school activity or attendance. Pupils are not required to accept such service without the consent of his or her parent or guardian.

EC§ 49471: Requires school districts maintaining middle or high school to notify, in writing, the parent or guardian of each pupil participating in an athletic activity, when the district does not provide medical and hospital services for pupils of the district injured while participating in athletic activities.

Services Not Provided

The School District does not provide or make available medical and hospital services for pupils who are injured in accidents related to school activity or attendance.

Medication Regimen – EC§ 49480

Requires the school district to inform the parents or legal guardians of all pupils in the district of the following. The parent or legal guardian of any pupil taking medication on a regular basis must inform the school nurse or [other contact person] of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or legal guardian, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the medication on the pupil.

Administration of Prescribed Medication for Pupils – EC§ 49423 and 49423.1

Any pupil who is required to take, during the regular school day, medication prescribed by a physician or surgeon, may be assisted by the school nurse or other designated school personnel or may carry and self-administer auto-injectible epinephrine or inhaled asthma medication if the school district receives a written statement of instructions from the physician detailing the method, amount and time schedules by which such medication is to be taken.

Note: Guidance from the California Department of Education provides a sample checklist that may be given to parents and guardians when children need medication at school. Districts may consider including it in the annual notification.

1. Talk to your child's doctor about making a medicine schedule so that your child does not have to take medicine while at school.
2. If your child is regularly taking medicine for an ongoing health problem, even if he or she only takes the medicine at home, give a written note to the school nurse or other designated school employee at the beginning of each school year. You must list the medicine being taken, the current amount taken, and the name of the doctor who prescribed it (EC§ 49480).
3. If your child must take medicine while at school, give the school a written note from you and a written note from your child's doctor or other health care provider, who is licensed to practice in California. Provide new, updated notes at the beginning of each school year and whenever there is any change in the medicine, instructions, or doctor (EC§ 49423).
4. As parent or guardian, you must supply the school with all medicine your child must take during the school day. You or another adult must deliver the medicine to school, except medicine your child is authorized to carry and take by him or herself.
5. All controlled medicine, like Ritalin, must be counted and recorded on a medicine log when delivered to the school. You or another adult who delivered the medicine should verify the count by signing the log.
6. Each medicine your child must be given at school must be in a separate container labeled by a pharmacist licensed in the United States. The container must list your child's name, doctor's name, name of the medicine, and instructions for when to take the medicine and how much to take.
7. Pick up all discontinued, outdated, and/or unused medicine before the end of the school year.
8. Know and follow the medicine policy of your child's school.

Minimum & Pupil-free Staff Development Days – EC§48980(c)

Requires the annual notification to advise parents and guardians of all pupils attending a school of the schedule of minimum days and pupil-free staff development days. If minimum or pupil-free staff development days are scheduled after the start of the school year, the school should notify parents and guardians of affected pupils as early as possible, but not later than one month prior to the scheduled day.

Note: To meet this notification requirement schools may include the school calendar with the annual notification.

Nondiscrimination Statement

Discrimination in education programs and activities is prohibited by state and federal law. Education Code 200 et seq. requires school districts to afford all pupils regardless of gender, gender identity, gender expression, sex, race, color, religion, national origin, ethnic group identification, mental or physical disability, sexual orientation, or the perception of one or more of such characteristics, equal rights and opportunities in education. 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 Vocational Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. The Office for Civil Rights of the U.S. Department of Education has authority to enforce federal laws in all programs and activities that receive federal funds.

The Mt Baldy Joint Elementary School District is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on **disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics**. The District assures that lack of English language skills will not be a barrier to admission or participation in District programs. Complaints of unlawful discrimination are investigated through the Uniform Complaint Process. Such complaints must be filed no later than six months after knowledge of the alleged discrimination was first obtained.

EC§58501 - Notice of Alternative Schools

The following notice shall be sent along with the notification of parents and guardians required by EC§ 48980. In addition, a copy shall be posted in at least two places, normally visible to pupils, teachers, and visiting parents in each attendance unit, for the entire month of March in each year.

“Notice of Alternative Schools”

California state law authorizes all school districts to provide for alternative schools. Education Code 58500 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 may 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.

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.

EC§17612 - Pesticide Products

EC§ 48980.3: Requires the annual notification to include information on pesticide products as specified in EC §17612(a).

Requires a school to annually provide to all staff and to parents or guardians of pupils enrolled at the school written notification of all pesticide products expected to be applied during the upcoming year.

Notification to identify the active ingredient(s) in each pesticide product, an internet address on pesticide use and reduction developed under Food and Agricultural Code 13184 and provide an opportunity for staff and parents or guardians to register with the school if they wish to receive notification of individual pesticide applications at the school.

Note: A sample Pesticide Notification Request letter is provided on pages 81-82.

Physical Examination – EC§49451

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 EC §49451.

20 USC 1232h: Requires notification to parents of pupils, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening is scheduled or is expected to be scheduled that is required as a condition of attendance, administered by

the school and scheduled by the school in advance, and is not necessary to protect the immediate health and safety of the pupil or other pupils. Notification to offer parents an opportunity to opt pupils out of participation in the activity. Requires school district to develop policy, in consultation with parents, regarding the administration of physical examinations or screenings that the school may administer to a pupil. Requires notification to parents of pupils enrolled in schools served by the district of the adoption or continued use of such policies. Notification 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.

A parent or guardian may file annually with the school principal a written statement, signed by the parent or legal guardian, withholding consent to a physical examination of the pupil. However, whenever there is good reason to believe that the pupil is suffering from a recognized contagious or infectious disease, the pupil shall be sent home and shall not be permitted to return until school authorities are satisfied that the contagious or infectious disease no longer exists.

Note: Physical examinations that schools are required to conduct include sight and hearing testing under EC§ 49452 and scoliosis screening under EC§49452.5. Schools may screen for type 2 diabetes mellitus under EC§49452.6. As indicated in EC§49451 and 20 USC 1232h a parent or guardian may file a waiver of the examination requirement based on personal beliefs. A sample opt-out form is provided on pages 77-80.

EC§32051, 48900(q) Hazing; Misdemeanor

Prohibits pupils or other persons in attendance at any public or private educational institution from conspiring to engage in hazing, as defined. Violation of § 32051 is a misdemeanor.

EC§44807 - Duty Concerning Conduct of Pupils

Provides that every teacher in public schools shall hold pupils to strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

EC§48204(b) - Residency Based on Parent Employment

Authorizes district to deem pupil as having complied with residency requirements for school attendance if one or both parents or legal guardians is employed within boundaries of the district. Pupil transfers may occur in grades kindergarten through 12.

EC§48302 - Informational Hearings on Educational Program

Encourages districts to hold informational hearings on current educational programs district is offering to allow parents input on methods to improve current program and to make informed educational decisions.

EC§51101 - Rights of Parents and Guardians to Information, Mutually Supportive Partnership Between Parents and Educators

Provides parents and guardians have right to be informed by school, and to participate in education of their children, as follows: to observe classrooms as specified; within a reasonable time of their request to meet with teachers and principal of school; to volunteer their time and resources; to be notified on a timely basis if their child is absent from school without permission; to receive results of their child's performance and performance of school on standardized tests; to request a particular school for their child and to receive a response from the district; to have a school environment for their child that is safe and supportive; to examine curriculum materials of their child's classes; to be informed of their child's progress in school and of appropriate staff to contact should a problem arise; to access school records of their child; to receive information about academic performance standards, proficiencies, or skills their child is expected to accomplish; to be informed in advance about school rules, including disciplinary rules and procedures in accordance with Section 48980, attendance policies, dress codes, and procedures for visiting the

school; to receive information about any psychological testing and to deny permission to test; to participate as a member of a parent advisory committee, school-site council, or site based leadership team; to challenge anything in their child's record and to receive a response from school; and to be notified as early in the year as practicable if their child is identified as being at risk of retention and their right to consult with school personnel regarding any decision to promote or retain and to appeal a decision to promote or retain.

EC§51101.1 - Rights of Parents and Guardians Who Lack English Fluency

Cautions that parent or guardian's lack of English fluency should not preclude parent or guardian from exercising rights. Requires district to take reasonable steps to ensure all parents and guardians of pupils who speak a language other than English are properly notified in English and in their home language as required by EC§48985 (15 percent rule) of the rights and opportunities available to them. Encourages schools with substantial number of pupils with a home language other than English to establish parent centers with staff that can communicate with the parents or guardians.

EC§52164.3 - Designation of Pupil as Limited English Proficient or Fluent English Proficient

Provides parent, teacher or school administrator may require district to reassess pupil whose primary language is other than English when there is reasonable doubt about the accuracy of the pupil's designation. Further requires parent to be notified of reassessment result, and that notice should be given orally when school staff have reason to believe a written notice will not be understood.

Pupil Records – EC§ 49063 and 49069, 34 CFR 99.7, 20 USC 1232g

Requires the school district to notify parents in writing upon initial enrollment and annually at the beginning of the school year of their rights concerning pupil records. Notice to take a form which reasonably notifies parents of the availability of the following specific information:

1. The types of records and information contained therein which are directly related to students and maintained by the institution.
2. The position of the official responsible for the maintenance of each type of record.
3. The location of all official pupil records if not centrally located and the availability of qualified certificated personnel to interpret records, if requested.
4. The location of the log or record required to be maintained pursuant to Section 49064.
5. The criteria to be used by the district in defining "school officials and employees" and in determining "legitimate educational interest" as used in Section 49064 and paragraph (1) of subdivision (a) of Section 49076.
6. The policies of the institution for reviewing and expunging those records.
7. The right of the parent to access pupil records.
8. The procedures for challenging the content of pupil records.
9. The cost if any which will be charged to the parent for reproducing copies of records.
10. The categories of information which the institution has designated as directory information pursuant to Section 49073.
11. The right of the parent to file a complaint with the United States Department of Education, Family Policy Compliance Office, concerning an alleged failure by the district to comply with the provisions of FERPA.
12. The availability of the prospectus prepared pursuant to Section 49091.14.

A cumulative record, whether recorded by handwriting, print, tapes, film, microfilm or other means, must be maintained on the history of a pupil's development and educational progress. The District will protect the privacy of such records. Parents/guardians have the right to 1) inspect and review the student's educational record maintained by the school, 2) request that a school correct records which they believe to be inaccurate or misleading, and 3) have some control over the disclosure of information from educational records. School officials with legitimate educational interests may access student records without parental consent as long as the official needs to review the records in order to fulfill his/her professional responsibility. Upon request from officials of another school district in which a student seeks or intends to enroll, the District shall disclose educational records without parental consent.

Parents' request to access their student's educational records must be submitted in a written form to and the school will have five (5) business days from the day of receipt of the request to provide access to the records. Copies of student records are available to parents for a fee of per page.

Any challenge to school records must be submitted in writing. A parent challenging school records must show that the records are 1) inaccurate, 2) an unsubstantiated personal conclusion or inference, 3) a conclusion or inference outside the observer's area of competence, 4) not based on the personal observation of a named person with the time and place of the observation noted, 5) misleading, or 6) in violation of the privacy or other rights of the student. Parents have the right to file a complaint with the United States Department of Education concerning an alleged failure by the District to comply with the provisions of the United States Family Educational Rights and Privacy Act (FERPA) by writing to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, D.C. 20202-4605. .

School Rules – 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.

EC 35291: The school district may notify the parent or guardian of all pupils registered in schools of the district of the availability of rules of the district pertaining to student discipline.

Note: EC 48980(a) and 35291 appear to conflict. The former requires notification and the latter indicates notification is permissive. If school site rules are developed they should be included. The school district may also consider informing parents and guardians of the laws governing suspension and expulsion. A summary of the current laws on suspension and expulsion are provided on pages 57-66.

Sex and HIV/AIDS Education – EC§51938

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 EC §51938.

Requires the school district at the beginning of each school year, or at the time of the student's enrollment, if different, to notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention education and assessments on pupil health behaviors and risks planned for the school year. Provides that a parent or guardian has the right to excuse their child from all or part of the instruction.

Note: If arrangements for this instruction are made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before instruction is delivered.

The purpose of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (Education Codes 51930 through 51939) is to provide every student with the knowledge and skills necessary to protect their sexual and reproductive health from unintended pregnancy and sexually transmitted diseases.

The Mt Baldy Joint Elementary School District will provide instruction in comprehensive sexual health education, HIV/AIDS prevention education, and/or will conduct assessments on pupil health behaviors and risks in the coming school year.

Parents or guardians may:

1. Inspect the written and audiovisual educational materials used in the comprehensive sexual health and HIV/AIDS prevention education
2. Request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education
3. Request a copy of Education Codes 51930 through 51939
4. Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants
5. When the district chooses to use outside consultants or to hold an assembly with guest speakers to teach comprehensive sexual health or HIV/AIDS prevention education, to be informed of:
 - a. The date of the instruction
 - b. The name of the organization or affiliation of each guest speaker

Sexual Harassment – EC§ 48980(g)

Requires the annual notification to include a copy of the school district's written policy on sexual harassment as it relates to pupils. The School District is committed to maintaining a learning and working environment that is free from sexual harassment. Any student who engages in sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits, engages in, or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. For a copy of the district's sexual harassment policy or to report incidences of sexual harassment, please contact .

Surveys – EC§ 51513

Prohibits the use of tests, questionnaires, surveys or examinations containing any questions about the pupil's personal beliefs or practices in sex, family life, morality, and religion, unless the parent or guardian is notified in writing that the test, questionnaire, survey, or examination is to be administered and the parent or guardian consents in writing.

20 USC 1232h: Provides that no pupil may be required to submit to a survey, analysis, or evaluation that reveals sensitive, personal information (i.e., political affiliations or beliefs, mental or psychological problems, sex behavior or attitudes, illegal, anti-social, self-incriminating, or demeaning behavior, critical appraisals of other individuals with whom respondents have close family relationships, legally recognized privileged or analogous relationships, religious practices, affiliations or beliefs, or income) without the prior written consent of the parent.

Requires notification to parents of pupils, at least annually at the beginning of the school year, of the specific or approximate dates when the administration of any survey that reveals sensitive, personal information is scheduled or is expected to be scheduled. Notification to offer parents an opportunity to opt pupils out of participation in the activity.

Requires the school district to develop policy, in consultation with parents, regarding the right of a parent to inspect, upon request, surveys created by a third party or any instrument used in the collection of personal information, the applicable procedures for granting a request for inspection, and arrangements to protect pupil privacy provided by the district in the event of the administration or distribution of a survey that reveals sensitive, personal information.

Requires notification to parents of pupils enrolled in schools served by the district of the adoption or continued use of such policies. Notification 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. Anonymous, voluntary and confidential research and evaluation tools to measure student's health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes and practices relating to sex, family life, morality, and religion may be administered to students if the parent is notified in writing that 1) this test, questionnaire, or survey is to be administered, 2) the student's parent is given the opportunity to review the test, questionnaire, or survey, and 3) the parent consents in writing.

Note: EC§ 51938(b) allows for passive consent when measuring students' health behaviors and risks, including attitudes and practices relating to sex, for students in grades 7 to 12.

Victim of a Violent Crime – 20 USC 7912

Requires the school district to have a written policy stating that students who are victims of a violent criminal offense, while in or on the grounds of a public school, must be allowed to attend a safe public school. The written policy must be communicated to all parties, and reiterated to victims of violent criminal offenses and their parents. Note: Guidance from the California Department of Education, dated September 9, 2005, recommends that school districts communicate to parents the Unsafe School Choice Option policy in writing to all parents at the beginning of the school year and/or in enrollment materials and at the time of the incident or at the time the school became aware of the incident. The district must maintain verification of compliance with the transfer option. Records demonstrating that victims' parents were notified of the transfer option must also be maintained.

A student who becomes a victim of a violent criminal offense while in or on the grounds of a school that the student attends, has the right to transfer to another school within the district. The District has 14 calendar days to offer students the option to transfer.

Williams Complaint Policy & Procedure – 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 students or staff, and teacher vacancy or misassignment. Allows for the filing of anonymous complaints. A complainant who identifies himself or herself is entitled to a response upon request.

Requires notice to be posted in classrooms notifying parents, guardians, pupils and teachers of the following:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (h).
4. The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the internet website of the department shall satisfy this requirement.

Every school must provide sufficient textbooks and instructional materials. Every student, including English learners, must have textbooks or instructional materials, or both, to use at home or after school. School facilities must be clean, safe, and maintained in good repair. There should be no teacher vacancies or misassignments. If a school is found to have deficiencies in these areas, and the school does not take corrective action, then a complaint form may be obtained at the school. Parents, students, teachers or any member of the public may submit a complaint regarding these issues. However, it is highly encouraged that individuals express their concerns to the school principal before completing the complaint forms to allow the school to respond to these concerns.

Entrance Health Screening – HSC 124085, 124100, and 124105

Requires the school district to notify the parents or guardians of pupils in kindergarten and first grade that a physical examination is required for all children entering first grade. Notification to also inform parents or guardians of the availability of free health screenings through the local health department.

State law requires that the parent or legal guardian of each pupil provide the school documentary proof that the pupil has received a health screening examination by a doctor within 90 days after entrance to first grade. Pupils may be excluded up to 5 days from school for failing to comply or not providing a waiver. Free health screening is available through the local health department.

Entrance Health Screening – EC§49451

Authorizes parent to file annually with school written statement withholding consent to physical examination of pupil
Authorizes district to exclude pupil if there is good reason to believe pupil suffering from recognized contagious or infectious disease.

Medical and Hospital Services Not Provided – EC§49471

Requires district maintaining middle or high school to notify, in writing, parent or guardian of each pupil participating in athletic activity, when district does not provide medical and hospital services for pupils injured while participating in athletic activities.

Continuing Medication Regimen – EC§49480

Requires district to inform parents of requirement to notify school staff when student requires daily medication including medication being taken, current dosage, and name of supervising physician.

Oral Health Assessment – EC§ 49452.8

Requires a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to no later than May 31st of the school year present proof of having received an oral health assessment that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil.

Note: The California Department of Education has developed a standardized notification form to be used by each school district. Forms in English and Spanish are available at: <http://www.cde.ca.gov/ls/he/hn/oralhealth.asp>.

Record of a dental assessment done by a dental professional is required for all kindergarteners and first graders attending public school for the first time. Dental assessments must be completed in the 12 months prior to entry or by May 31st of the pupil's first school year.

School bus Safety – EC§ 39831.5

Requires school districts to provide written information on school bus safety (i.e., 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) upon registration to parents or guardians of all pupils not previously transported in a school bus and who are in pre-kindergarten, kindergarten and grades 1 to 6. All pupils in pre-kindergarten, kindergarten and grades 1 to 6, shall receive written information on school bus safety (i.e., 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). Prior to departure on a school activity trip, all pupils riding on a school bus or school activity bus shall receive safety instruction that includes, but is not limited to, location of emergency exits, and location and use of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit.

SPECIAL CIRCUMSTANCES

Bilingual Education – EC§ 52173, 5 CCR 11303

Requires the school district to provide parents an opportunity for consultation prior to placement of child in program of bilingual education. Requires notification, by mail or in person, to parent to include simple, nontechnical description of purposes, method, and content of program, encourage parent to visit such classes and to come to school for a conference to explain the nature and objectives of such an education, and that parent has the right not to have their child enrolled in such a program. Written notice to be in English and the primary language of the pupil.

Migrant Education – EC§ 54444.2

Requires a school district receiving migrant education funds or services to actively solicit parental involvement in planning, operation, and evaluation of its programs through establishment of parent advisory council. Requires notice to parents, in language they understand, that parents have sole authority to decide composition of council.

Persistently Dangerous Schools – 20 USC 7912

Requires that school district have a written policy stating that students who attend a persistently dangerous school must be allowed to attend a safe public school. The written policy must be communicated to all parties.

Program Improvement – 20 USC 6316

Requires schools identified for program improvement under the No Child Left Behind Act to promptly notify parents or guardians of students enrolled at the school of the following:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state.

2. The reasons for the identification.
3. An explanation of what the school is doing to address the problem of low achievement.
4. An explanation of what the district or state is doing to help the school address the achievement problem.
5. An explanation of how parents or guardians can become involved in addressing the academic issues that caused the school to be identified for program improvement.
6. An explanation of the option to transfer to another district school or charter school or to obtain supplemental educational services.

Schools required to provide supplemental educational services must annually notify parents/guardians of:

1. The availability of supplemental educational services.
2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies.
3. The identity of approved providers that are accessible through technology, such as distance learning.
4. The services, qualifications and demonstrated effectiveness of each provider.
5. The procedures and timelines that parents/guardians must follow to select a provider.

Note: Guidance from the California Department of Education dated December 21, 2007, governing timely notification and implementation of supplemental educational services can be found at:
<http://www.cde.ca.gov/ta/ac/ti/timenotese.asp>.

EC§56329 Notice to Parents or Guardians, Assessment Plan (AB 1662, Ch. 653 Statutes of 2005) Amends EC§56329 to require written notice as part of assessment plan to state lack of appropriate instruction in reading, including essential components of reading instruction as defined, lack of instruction in mathematics, or limited-English proficiency, are not factors in determining eligibility under IDEA.

EC§56341 IEP Team, Membership Requirements. (AB 1662, Ch. 653, Statutes of 2005)

Amends EC§56341(f) to allow member of IEP team not to attend IEP meeting if parent and district agree attendance is not necessary because member's area not being addressed. Amends §56341(g) to allow member of IEP team not to attend IEP meeting even if member's area being addressed if parent and district consent after conferring with member and member submits input in writing to parent and IEP team. Agreement or consent to be in writing.

EC§56346 Provision of Special Education and Related Services, Parental Consent. (AB 1662, Ch. 653, Statutes of 2005). Adds EC§56346 to require district obtain informed consent from parent before providing special education services. If parent refuses consent, provides district may not provide services by filing for due process and that district not required to provide FAPE or develop an IEP. Requires district to file for due process if parent refuses all services but consented to those services in past or parent refuses some of the services and those services not requested are determined necessary to provide FAPE.

EC§56363 Designated Instruction and Services (AB 1662, Ch. 653, Statutes of 2005)

Amends EC§56363 to conform to federal law and provides designated instruction and services has same meaning as related services under federal law. Provides that such services do not include medical device that is surgically implanted or replacement of the device.

EC§56380.1 Changes to IEP. (AB 1662, Ch. 653, Statutes of 2005) Adds EC§56380.1 to allow parent and district to change IEP, after annual IEP meeting without convening IEP team by developing written document signed by parent and district representative to amend or modify existing IEP. Upon request, parent to be provided revised copy of the IEP.

EC§56381 Reassessment of Pupils. (AB1662, Ch. 653, Statutes of 2005) Amends EC§56381(i) to not require district to conduct assessment before termination of pupil's eligibility due to graduation from secondary school with regular diploma, or due to exceeding age eligibility for FAPE. District to provide pupil with summary of academic achievement and functional performance, including recommendations on meeting postsecondary educational goals.

EC§56385 Alternative Assessments. (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56385 to require State or district to develop and implement guidelines for participation of pupils in alternative assessments when unable to participate in regular assessments with accommodation. Alternate assessment to meet specified criteria.

EC§56500.2 Investigations of Complaints, Limitations Period. (AB 1662, Ch. 653 Statutes of 2005) Amends EC§56500.2 to require compliance complaint to be filed within one year of date of alleged violation.

EC§56043

To require district maintain procedures to ensure IEP team reviewed pupil's IEP periodically, but not less frequently than annually. Amends 56043(k) to provide reassessment of pupil shall not occur more frequently than once a year, unless parent and district agree otherwise in writing, and shall occur at least once every three years, unless parent and district agree in writing that a reassessment is unnecessary. Amends 56043(z) to require complaint filed with California Department of Education to allege violation of IDEA or state law that occurred not more than one year prior to date complaint received by the State.

EC§56058, 56059 Special Education Teacher Qualifications (AB 1662, Ch. 653 Statutes of 2005).

Adds EC§5658 to provide special education teachers must meet highly qualified standards set under NCLB. Adds EC§56059 to clarify failure of district to employ highly qualified teacher does not create right of action on behalf of pupil.

EC§56205 Special Education Local Plan (AB 1662, Ch. 653, Statutes of 2005)

Amends EC§56205 to require SELPA have policies governing personnel qualifications to ensure teachers and paraprofessionals appropriately and adequately prepared and trained, participation in state and districtwide assessments, access to instructional materials by blind individuals and others with print disabilities, overidentification and disproportionate representation by race and ethnicity, and prohibition on mandatory medication. Local plan to be in written language understandable to general public.

EC§56301 Child Find Process, Parent Notification of Rights and Procedural Safeguards (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56301(a) to require child find for homeless children and wards of state. Amends EC§56301(c) to ensure equitable participation of parentally placed private school pupils. Amends EC§56301(d) to require parents to be given copy of their rights and procedural safeguards only one time a year, and upon initial referral, parent request for assessment, first occurrence of filing for due process, and upon parent request. Also allows district to place current copy of procedural safeguards notice on its web page.

EC§56304 Alternate Means of Meeting Participation (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56304 to provide parent of pupil with exceptional needs and district may agree to use alternative means of meeting participation such as video conferences and conference calls.

EC§56320 Testing and Assessment. (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56320(a) and (b) to require testing and assessment materials and procedures be provided in pupil's native language or mode of communication, unless clearly not feasible to do so. Tests and assessments must also be administered in language and form most likely to yield accurate information on what pupil knows and can do academically.

EC§56321 Initial Assessment, Parental Consent. (AB 1662, Ch. 653, Statutes of 2005). Amends **EC§56321(c)** to require district proposing to conduct initial assessment to determine if pupil qualifies under IDEAN to obtain informed consent from parent before conducting assessment. Authorizes district to pursue initial assessment through due process if parent does not provide consent. Amends EC§5632(d) to provide consent not required if district cannot discover whereabouts of parent or rights of parent have been terminated or subrogated. Adds §56321(g) to provide screening of pupil by teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not an assessment for eligibility for special education.

EC§56500.3 Mediation, Written Agreement. (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56500.3 to provide if parties reach a resolution of due process issue through mediation, parties shall execute legally binding written agreement that sets forth resolution, states all discussions that occurred during mediation process confidential and may not be used as evidence in subsequent due process or civil proceeding, must be signed by parent and representative of district, and is enforceable in state or federal court.

EC§56500.4 Prior Written Notice. (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56500.4 to require prior written notice be given to parent or guardian when district proposes to initiate or change, or refuses to initiate or change, the identification, assessment, or educational placement of pupil, or the provision of FAPE to the pupil.

EC§56501.5 Resolution Session. (AB 1662, Ch. 653, Statutes of 2005). Adds EC§56501.5 to require, prior to party invoking due process hearing, district to convene a resolution session, as specified. Resolution session not required if both parent and district agree in writing to waive the meeting or agree to use mediation.

EC§56502 Request for Due Process Hearing. (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56502 to provide due process hearing request notice shall remain confidential and requires request to include name of child, residence address, available contact information, name of school attending, description of the nature of the problem, and proposed resolution to extent known. Provides party may not have due process hearing until request meets above requirements. Provides process for challenging sufficiency of, and for amending, request notice. Limits due process hearing to issues raised in notice unless opposing party agrees otherwise.

EC§56505 State hearing. (AB 1662, Ch. 653 Statutes 2005). Amends EC§56505(c) to set minimum qualifications of hearing officer. Amends and re-letters EC§56505(f) to require decision of hearing officer be made on substantive grounds based on determination whether pupil received FAPE. Allows hearing officer to find pupil did not receive FAPE based on procedural violation only if violation impeded pupil's right to FAPE, significantly impeded parent's opportunity to participate in decision making process regarding provision of FAPE, or caused deprivation of educational benefits. Amends EC§56505(1) to allow three year statute of limitations for filing due process complaint until October 9, 2006, if parent agrees to participate in mediation process. Adds two year statute of limitations applies if parent refuses mediation or complaint filed on or after October 9, 2006.

EC§56506 Due Process Rights. (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56506 to provide a parent may elect to receive required notices by electronic mail if the district makes the option available.

EC§56507 Award of Attorney's Fees. (AB 1662, Ch. 653, Statutes of 2005). Amends EC§56507 to allow an award of attorney's fees to prevailing state or local educational agency in specified circumstances.

EC§56509 Separate Due Process hearing Request. (AB 1662, Ch. 653, Statutes of 2005). Adds EC§56509 to clarify Procedural Safeguards Chapter does not preclude parent from filing separate due process hearing request on issue separate from a due process hearing request already filed.

EC§56515 Release of Information From Educational Records of Pupil With Exceptional Needs. (AB 1662, h. 653, Statutes of 2005) Amends EC§56515 to prohibit district from releasing records of pupil to other agencies without consent of parent.

Title I – 20 USC 6311, 34 CFR 200.61

Requires the school district, at the beginning of the school year, to notify parents or guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher(s). Notification to be in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand. Further requires timely notification whenever a child has been assigned, or has been taught for four or more

consecutive weeks, by a teacher of a core academic subject who does not meet the No Child Left Behind Act teacher qualification requirements.

Note: Schools may consider including a letter from the principal in the annual notification informing parents or guardians that because their child attends a school receiving Title I funds, the No Child Left Behind Act provides that parents have the right to know the professional qualifications of their child's teacher(s) in core academic subject areas, including the type of credential or license the teacher holds and the educational level and subject area(s) of the teacher's college degree(s).

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.

HSC 104495 further prohibits smoking or 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 a public sidewalk located within 25 feet of a playground.

Acceptable Use of Technology

Although EC §48980 was amended in 2005, to remove the requirement that school districts annually notify parents or guardians of district policy regarding access by pupils to Internet and on-line sites, it is recommended that such notification still occur.

One of the adopted goals of the Mt Baldy Joint Elementary School District is to assist in advancing the use of technology to enhance student learning. Access to Mt Baldy Joint Elementary School District technology is a privilege, not a right, and students enrolled in District programs or activities must follow District guidelines and procedures regarding acceptable use of technology. All Mt Baldy Joint Elementary School District students and their parents/guardians shall sign the Acceptable Use of Technology Agreement prior to using District technological resources. The Mt Baldy Joint Elementary School District shall make a diligent effort to filter the inappropriate or harmful matter accessible through the Internet, and students shall also take responsibility not to initiate access to inappropriate or harmful matter while using District technology. Violation of this policy may result in disciplinary action and the loss of the privilege to use the technology and/or civil or criminal liability.

Avoiding Absences, Written Excuses

School districts may consider informing parents of the importance of regular attendance as follows.

Mt Baldy Joint Elementary School District urges parents to make sure their children attend school regularly and to schedule medical and other appointments so that a student misses none or only a small portion of the school day. The district also asks that travel or other absences be avoided during the time school is in session. The higher the district's daily attendance rate, the more a student will learn and the greater the amount of funding that the district will receive from the state for classroom instruction and academic programs. The school calendar is designed to minimize problems for families which plan vacations around traditional holiday periods, and thereby minimize student absences.

Following an absence, a student is required to bring a written excuse from home when returning to school. Illnesses, and doctor and dental appointments are considered excused absences. Absences without a written excuse are recorded as unexcused.

Children should be encouraged to be prompt as part of their training. They are expected to be at school on time. If a child is late, the child should bring an excuse from home to the school office. Frequent tardiness without a valid

excuse may be considered truancy under state law.

Truancy Definitions – EC§ 48260, 48262 and 48263.6

A student is considered truant after three absences or three tardies of more than 30 minutes each time and the absences or tardies are unexcused. After a student has been reported as a truant three or more times in a school year, the student is considered a habitual truant. A student who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, from the date of enrollment to the current date, is considered a chronic truant. Unexcused absences are all absences that do not fall within EC§ 48205.

Arrest of Truants/School Attendance Review Boards – EC§ 48263 and 48264

The school attendance supervisor, administrator or designee, a peace officer, or probation officer may arrest or assume temporary custody during school hours, of any minor who is found away from his/her home and who is absent from school without valid excuse within the county, city or school district. A student who is truant may be referred to a School Attendance and Review Board (SARB).

Child Abuse and Neglect Reporting – PC 11164 et seq.

The school may consider informing parents of staff's role as mandated reporters as follows:

Staff of the Mt Baldy Joint Elementary School District is required by law to report cases of child abuse and neglect whenever staff have a reasonable suspicion. Staff may not investigate to confirm the suspicion. Both the staff name and the report itself are confidential and cannot be disclosed except to authorized agencies.

Custody Issues

Parents may try to use the school as a forum for disputing custody matters. If needed, the school district may consider including the following notification developed by the Culver City Unified School District:

Custody disputes must be handled by the courts. The school has no legal jurisdiction to refuse a biological parent access to his/her child and/or school records. The only exception is when signed restraining orders or proper divorce papers, specifically stating visitation limitations, are on file in the school office. Any student release situation which leaves the student's welfare in question will be handled at the discretion of the site administrator or designee. Should any such situation become a disruption to the school, law enforcement will be contacted and an officer requested to intervene. Parents are asked to make every attempt not to involve school sites in custody matters. The school will make every attempt to reach the custodial parent when a parent or any other person not listed on the emergency card attempts to pick up a child.

Dangerous Objects

If the school district has concerns about students bringing legal but dangerous objects on campus, such as laser pointers or pellet guns, it may consider notifying parents or guardians of the following provisions.

Laser Pointer – PC 417.27

It is a crime for any student to possess a laser pointer on any elementary or secondary school premise, unless the possession is for a valid instructional or other school-related purpose.

Imitation Firearm – PC 12550, 12556

A BB device can be considered an imitation firearm. The Penal Code makes it a criminal offense to openly display or expose any imitation firearm in a public place, including a public school.

Dress Code/Uniforms – EC§ 35183

Authorizes a school to adopt a dress code policy that requires pupils to wear a school-wide uniform or prohibits pupils from wearing gang-related apparel.

Requires a school to provide six months' prior notice to parents or guardians before implementing a policy that requires pupils to wear a school-wide uniform. Policy to address the availability of resources to assist economically disadvantaged pupils and to provide that no pupil will be penalized academically or otherwise discriminated against nor denied attendance to school if the pupil's parents chose not to have the pupil comply with the uniform policy.

Electronic Signaling Device – EC§ 48901.5

By policy or practice the school district, or its individual schools, may regulate the right of pupils to possess or use electronic signaling devices, including cell phones and pagers, during the school day or at school functions.

Note: No student may be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician to be essential for the health of the pupil and the use of which is limited to the pupil's health.

Foster Youth Educational Placement – EC§ 48850 et seq.

Requires school district educational liaisons to ensure pupils in foster care receive stable school placements which are in the best interests of the child, placement in least restrictive educational programs, access to academic resources, services, and extracurricular and enrichment activities available to all pupils, full and partial credits for coursework taken, and meaningful opportunity to meet state pupil academic achievement standards.

Homeless Youth Education – 42 US 11432

Requires school district homeless liaisons to ensure parents of homeless pupils are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in education of their children.

Notification may address:

1. Liaison contact information.
2. Circumstances for eligibility (e.g., living in a shelter, a motel, hotel, a house or apartment with more than one family because of economic hardship or loss, in an abandoned building, in a car, at a campground, or on the street, in temporary foster care or with an adult who is not your parent or guardian, in substandard housing, or with friends or family because you are a runaway or unaccompanied youth).
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, school records, or legal guardianship papers.
4. Right to education and other services (e.g., to participate fully in all school activities and programs for which child is eligible, to qualify automatically for nutrition programs, to receive transportation services, and to contact liaison to resolve disputes that arise during enrollment).

Internet Safety

School districts may consider informing parents or guardians about the danger use of the internet may pose to minors. In particular, websites being used by child predators and cyber bullies. A sample internet safety letter developed by the California Department of Education and recently updated, is provided on pages 83-86.

Medical Records Sharing – HSC 120440

Requires a school district planning to provide information from pupils' medical records to an immunization system to inform students or parents or guardians of the following.

1. Medical information may be shared with local health departments and the State Department of Health Services
2. The name and address of the State Department of Health Services or of the immunization registry with which the school will share the information
3. Information shared with local health departments and the State Department of Health Services will be treated as confidential and will only be used to share with each other, and, upon request, with health care providers, schools, child care facilities, family child care homes, WIC service providers, county welfare departments, foster care agencies, and health care plans
4. The providers, agencies, and institutions will, in turn, treat the shared information as confidential, and shall use it only as specified
5. 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
6. The student or the 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.
7. After refusal, a physician may maintain access to this information for the purposes of patient care or protecting the public health. After refusal, the local health department and the State Department of Health Services may maintain access to this information for the purpose of protecting the public health

Note: Students or parents or guardians may refuse to permit record sharing. Notification may be provided by ordinary mail and must include reasonable means for refusal, such as return form or contact telephone number.

Megan’s Law – PC 290 et seq.

Assembly Concurrent Resolution 72 (Resolution Ch. 122, 1998) strongly encourages school districts to inform parents or guardians about the availability of Megan's Law information in the annual notification.

Information about registered sex offenders in California can be found on the California Department of Justice's website, <http://meganslaw.ca.gov/>. The website also provides information on how to protect yourself and your family, facts about sex offenders, frequently asked questions, and sex offender registration requirements in California.

Requirement of Parent/Guardian School Attendance – EC§ 48900.1

A school district may adopt a policy authorizing teachers to require the parent or guardian of a pupil who has been suspended from class by the teacher for an obscene act, profanity or vulgarity, disruption of school activities, or willful defiance of the teacher’s authority, to attend a portion of the schoolday in the classroom of his or her child.

Teachers may require the parent or guardian of a student who has been suspended by a teacher to attend a portion of that school day in his or her student’s classroom. The attendance of the parent or guardian will be limited to the class from which the student was suspended. A written notice will be sent to the parent or guardian regarding implementation of this requirement. Employers are not allowed to apply sanctions against the parent or guardian for this requirement if the parent or guardian has given reasonable notice to his/her employer.

School Accountability Report Card – EC§ 35256 and 35258

Requires school districts to develop for each school a school accountability report card. Content of the report card defined by EC§ 33126, 32286 and 52056. Requires districts to publicize the report cards, and notify parents or guardians that a hard copy will be provided upon request. Commencing with the 2008-09 school year, hard copies to be made available by February 1.

Note: The report card is a required notification but not as part of the annual notification. A standard template for the report card is provided by the California Department of Education at: <http://www.cde.ca.gov/ta/ac/sa>.

EC§37611, 37616 - Maintenance of Continuous School Program

Requires district to publish, not later than November 1st of preceding school year, intention to operate a continuous school program. Further requires public hearing with adequate notice given to employees and parents affected.

EC§44807 - Duty Concerning Conduct of Pupils

Provides that every teacher in the public schools shall hold pupils to strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

EC§48904 – Withholding Grades for Property Damage

Authorizes district to withhold grades, diploma, and transcript of pupil who willfully damages school property, after affording pupil due process. Requires written notice to parent of alleged misconduct before withholding records. Requires district to establish procedures for withholding.

EC§48904.3 – Reciprocal Withholding of Grades

Requires district to which pupil transfers upon receiving notice that a district has withheld records of pupil under EC§48904, to also withhold records until such time that it receives notice, from the district initiating decision to withhold, that decision has been rescinded.

School Visiting Procedures – EC§ 51101(a) (12)

Parents and guardians of students enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children, to be informed in advance about school rules, including procedures for visiting the school.

PC 627.6: Requires schools to post at every entrance a notice setting forth the visitor registration requirements, hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements.

Section 504 – 29 USC 794, 34 CFR 104.32

Section 504 of the federal Rehabilitation Act of 1973, and the Americans with Disabilities Act (42 USC 12101 et seq.) prohibit discrimination on the basis of disability. Section 504 requires school districts to identify and evaluate children with disabilities in order to provide them a free, appropriate public education. Individuals with a physical or mental impairment that substantially limits one or more major life activities, including seeing, hearing, walking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking, are eligible to receive services and aids designed to meet their needs as adequately as the needs of nondisabled students are met.

Parents or guardians should be informed of the following: the name and contact information of the person designated by the district responsible for implementing Section 504, the screening and evaluation procedures used whenever there is reason to believe that a student has a disability that limits his or her ability to attend or function at school, the right to a written accommodation plan if the student is found to have a disability that requires services under Section 504, the right to be educated with nondisabled students to the maximum extent appropriate to the student's individual needs, and notice of the procedural safeguards guaranteed by law.

Note: The definition of “major life activity” has been expanded due to amendments to the ADA in 2009.

Student Conduct – EC§ 51100

Provides that parents and guardians of students enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children, to be informed in advance about school rules, including disciplinary rules and procedures in accordance with Section 48980, attendance policies, dress codes, and procedures for visiting the school.

Duties of Pupils – 5 CCR 300

Pupils shall conform to school regulations, obey all directions, be diligent in study and respectful to teachers and others in authority, and refrain from the use of profane and vulgar language.

Teaching staff shall hold pupils to strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

Mandatory Expulsion Violations – EC§ 48915

Schools shall immediately suspend and recommend expulsion for students that commit any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling, or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault.

5 The school board shall order the student expelled upon finding that the student committed the act.
. Possession of an explosive.

Sunscreen and Sun-protective Clothing – EC§ 35183.5

Provides that pupils may use sunscreen during the school day without a physician's note or prescription. Requires the school to adopt a policy regarding the type of sun-protective clothing, including but not limited to hats that pupils may wear for outdoor use during the school day

Walking or Riding a Bike to School – VC 21212

Parents of children who walk or ride their bicycles to school are asked to go over a safe route to school with their children. Walkers may not take shortcuts through private property. All children are expected to display good behavior on the way to and from school.

Note: Schools may also consider informing parents or guardians whether the school prohibits skateboards, scooters and related items from being used on school grounds at any time.

No person under 18 years of age may operate a bicycle, non-motorized scooter, skateboard or wear in-line or roller skates, nor ride as a passenger upon a bicycle, non-motorized scooter, or skateboard upon a street, bikeway, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet that meets specified standards.

EC§ 48900.2—Sexual Harassment

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

EC§ 48900.3—Hate Violence

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

EC§ 48900.4—Harassment, Threats or Intimidation

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

EC§ 48900.5—Limitations on Imposing Suspension

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

EC§ 48915—Circumstances for Recommending Expulsion

(a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:

- (1) Causing serious physical injury to another person, except in self-defense.
- (2) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- (3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

(4) Robbery or extortion.

(5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(b) Upon recommendation by the principal, superintendent of schools or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:

- (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
- (2) Brandishing a knife at another person.
- (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- (5) Possession of an explosive.

(d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

- (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
- (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
- (3) Is not housed at the school site attended by the pupil at the time of suspension.

- (e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:
- (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The governing board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study which meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.

(g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3½

inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

EC§ 51938

A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessments related to that education, as follows:

(a) At the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall do all of the following: (1) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education are available for inspection.

(2) Advise the parent or guardian whether the comprehensive sexual health education or HIV/AIDS prevention education will be taught by school district personnel or by outside consultants. A school district may provide comprehensive sexual health education or HIV/AIDS prevention education, to be taught by outside consultants, and may hold an assembly to deliver comprehensive sexual health education or HIV/AIDS prevention education by guest speakers, but if it elects to provide comprehensive sexual health education or HIV/AIDS prevention education in either of these manners, the notice shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of the parent or guardian to request a copy of this section, Section 51933, and Section 51934. If arrangements for this instruction are made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered.

(3) Include information explaining the parent's or guardian's right to request a copy of this chapter.

(4) Advise the parent or guardian that the parent or guardian may request in writing that his or her child not receive comprehensive sexual health education or HIV/AIDS prevention education.

(b) Notwithstanding Section 51513, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex may be administered to any pupil in grades 7 to 12, inclusive, if the parent or guardian is notified in writing that this test, questionnaire, or survey is to be administered and the pupil's parent or guardian is given the opportunity to review the test, questionnaire, or survey and to request in writing that his or her child not participate.

(c) The use of outside consultants or guest speakers as described in paragraph (2) of subdivision (a) is within the discretion of the school district.

EC§ 51939

(a) A pupil may not attend any class in comprehensive sexual education or HIV/AIDS prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks, if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation.

(b) A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV/AIDS prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.

(c) While comprehensive sexual health education, HIV/AIDS prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

**MT BALDY JOINT ELEMENTARY SCHOOL DISTRICT
2012-2013 ACKNOWLEDGEMENT OF RECEIPT AND REVIEW**

Dear Parent/Guardian:

The Mt Baldy Joint Elementary School District is required to annually notify parents and guardians of rights and responsibilities in accordance with Education Code 48980. Please review the full document on our web page at <http://www.mtbaldy.k12.ca.us/> and return the bottom page of this document with your student's registration packet.

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

Please complete the "Acknowledgement of Receipt and Review" form below, and return it to your child's school.

Acknowledgement of Receipt and Review

Pursuant to Education Code § 48982, the parent/guardian shall sign this notice and return it to the school. Signature on the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not necessarily indicate that consent to participate in any particular program or activity has been given or withheld.

Student Name: _____

School: Grade: _____

Parent/Guardian Name Printed: _____

Parent/Guardian Signature _____

Address: _____

Home Telephone Number: _____

Signature of Parent/Guardian (if student is under 18) Signature of Student (if student is 18 or older)

Mt Baldy Joint School District
2012-2013 RELEASE FORM FOR DIRECTORY INFORMATION
(Applicable Only for the Current School Year)

PARENTS: PLEASE READ AND COMPLETE THE INFORMATION BELOW AND RETURN IT TO YOUR SCHOOL PRINCIPAL

Student Name: Date of Birth:
Address:
City: Zip Code:
Telephone No.: Grade:
School:

The primary purpose of directory information is to allow the Mt Baldy Joint School District to include this type of information from your child's education records in certain school publications. Directory information includes names, addresses and telephone listings, information that is generally not considered harmful or an invasion of privacy if released.

The Family Educational Rights and Privacy Act (FERPA) and Education Code 49073 permits _____ School District to disclose appropriately designated "directory information" without written consent, unless you have advised the District that you do not want your student's directory information disclosed without your prior written consent.

Student Directory Information

- I do not wish to have any directory information released to any individual or organization.
- I do not wish to release the name, address and telephone number of the student named above to the agency or agencies I check below:
 - PTA (if applicable)
 - Health Department
 - Elected Officials
 - United States Armed Forces*
 - Universities or Other Institutions of Higher Education*

Media Release

- The student may be interviewed, photographed, or filmed by members of the media.
- The student may NOT be interviewed, photographed, or filmed by members of the media.

Signature of Parent/Guardian (if student is under 18) Signature of Student (if student is 18 or older)

* For 11th or 12th grade students only

**MT BALDY SCHOOL DISTRICT
2012-2013 PARENTAL OPTIONS**

(Applicable Only for the Current School Year)

PARENTS: PLEASE READ AND COMPLETE THE INFORMATION BELOW AND RETURN IT TO YOUR SCHOOL

Student Name: Date of Birth:

Address:

City: Zip Code:

Telephone No.: Grade:

School:

Physical Examination

Mt Baldy Joint School District may require physical examinations of students enrolled in District programs or activities. Any physical examination required by the District shall be kept confidential. A parent or guardian having control or charge of any child enrolled in public schools may file annually with the principal of the school in which s/he is enrolled a statement in writing, signed by the parent or guardian, stating that s/he will not consent to a physical examination of the child.

- I **do not** want my child to undergo a physical exam for District programs or activities.
- I grant consent for my child to undergo a physical examination for District programs or activities.

Sexual Health and HIV/AIDS Prevention Education

Students enrolled in District programs or activities may receive instruction in health education, which may include sexually transmitted disease prevention and alcohol/drug abuse prevention. Parents or guardians may submit a written request to excuse their child from participation in any class involving comprehensive sexual education or HIV/AIDS prevention education, or from participation in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

I would like my child **excused** from:

- Participation in any class involving comprehensive sexual education or HIV/AIDS prevention education.
- Participation in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

My child **may**:

- Participate in any class involving comprehensive sexual education or HIV/AIDS prevention education.
- Participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

18 or older)