Rights
of
Parents, Legal Guardians,
&
Students
Dear Parents or Legal Guardian:

Education Code Section 48980 requires governing boards of local school districts to provide annual notification of their rights regarding certain school activities to parents and legal guardians of minor students. Education Code Section 48982 requires that parents sign the notice acknowledging that they have been informed of their rights, but not necessarily indicating that consent to participate in any particular program has been given or withheld and return it to school.

Should your child be enrolling in the school district for the first time, a copy of your child’s school records will be requested from his/her former school. You have a right to receive a copy of the record and a right to challenge the content of the record.

Please complete, sign, and return this page to your child’s school. Your signature DOES NOT indicate consent for your child to participate in any particular program offered at the school.

Parent or Legal Guardian of: ________________________________

School: ______________________________________________________________

Grade: _______________ Room: ______________________

Home Address: ______________________________________________________

_______________________________________________________________

Signature of Parent or Legal Guardian: ________________________________

Return completed form to your child’s school.
Thank you!
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Rights of Parents, Legal Guardians, and Students

The following is a summary of state and federal law provisions with which all parents or legal guardians should be familiar. Within this notification, the use of “parent” includes a parent or legal guardian. In most cases, the laws have been summarized and the precise code number has been provided should parents require more detailed information. “EC” stands for “Education Code,” “USC” United States Code, “CFR” Code of Federal Regulations, “CCR” California Code of Regulations.

Legally required notification is hereby provided:

Information for Use in Emergencies

For the protection of the student’s health and welfare, parents are required to provide the school with information necessary in emergency situations. This information should be kept current and the parent must inform the school when this information changes. The information includes:

- the home address(es) and telephone number(s)
- the business or employment address(es) and telephone number(s)
- the name(s), address(es) and telephone number(s) of one or more relative(s) or friend(s) who is authorized to care for the student in any emergency situation, including the medical caregiver, if the parent or legal guardian cannot be reached. (EC 49408)

Attendance & Absences

Excused Absences—Excused absences no longer generate school funding. School funds are now based only on actual school attendance.

Section 48205: “Notwithstanding Section 48200, a student shall be excused from school when the absence is:

- Due to his or her illness.
- Due to quarantine under the direction of a county or city health officer.
- For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- 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.
- For the purpose of jury duty in the manner provided for by law.
- Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent.
- For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the student's absence has been requested in
writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

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

A student absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of any class from which a student is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the absence.

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

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

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 student.

Excerpt from Section 45194: “Members of the immediate family, as used in this section, means the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.”

No student may 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 reasonable be provided are satisfactorily completed within a reasonable period of time.

Confidential Medical Services—Students in grades 7-12 and their parents are notified that they may, as determined by the policy at your local school, be excused from school for the purpose of obtaining confidential medical services without parental consent. Copies of this policy are available at your local school.

Truancy—Upon a student’s initial classification as truant, the school shall notify the parent of the following: (1) that the student is truant; (2) that the parent is obligated to compel the attendance of the student at school; (3) that parents who fail to meet this obligation may be guilty of an infraction and subject to prosecution; (4) that alternative educational programs are available in the district; (5) that the parent has the right to meet with appropriate school personnel to discuss solutions to the student’s truancy; (6) that the student may be subject to prosecution as per Education
Code 48264; (7) that the student may be subject to suspension, restriction, or delay of the student’s driving privilege pursuant to Section 13202.7 of the Vehicle Code; and (8) that it is recommended that the parent accompany the student to school and attend classes with the student for one day.

If a student is referred to a School Attendance Review Board (SARB) or the probation department for services, the supervisor of attendance or designee making the referral shall notify the parent in writing of the name and address of the SARB or probation department to which the matter has been referred and the reason for referral. The notice shall indicate that the student, parent, and referring person will be required to meet with SARB or the probation officer to consider a proper disposition of the referral.

**Release for Religious Instruction**—State Law permits school districts, with written parental consent, to excuse students from school for the purpose of participating in religious exercises or receiving moral and religious instruction at their respective places of worship or other suitable place or places away from school property designated by the religious group, church, or denomination. Information regarding this matter can be obtained at your local school.

More information and district policies on excused absences are available at your local school. (EC 46010.1, 46014, 48205, 48260.5, 48263, 48980)

**Enrollment Options and School Attendance**

Enrollment options and procedures are available at your district of residence. The current statutory attendance options and local attendance options available in the district are outlined in the information packet distributed by your school district. The information includes:

- All options for meeting residency requirements for school attendance.
- Program options offered within local attendance areas.
- A description of any special program options available on both an interdistrict and intradistrict basis.
- A description of the procedure for application for alternative attendance areas or programs and the appeals process available if any, when a change of attendance is denied.
- A district application form for requesting a change of attendance.
- The explanation of attendance options under California law as provided by the California Department of Education.

**Home/Hospital Individualized Instruction Option**—Students who have a temporary physical, mental, or emotional disability will be provided instruction in the student’s home, a hospital, a residential health facility, or other alternative location. A student in a hospital or other residential health facility shall be considered a resident of the district in which the hospital or facility is located. It will be the primary responsibility of the parent or legal guardian of the student to notify the district in
which a student is considered a resident of the student’s temporary disability and location.

**Extracurricular and Cocurricular Activities**—The governing board of each school district that maintains one or more schools containing any of grades 7 to 12, inclusive, shall as a condition for the receipt of an inflation adjustment pursuant to Section 42238.1, establish a school district policy regarding participation in extracurricular and cocurricular activities by students in grades 7 to 12, inclusive. The criteria, which shall be applied to extracurricular and cocurricular activities, shall ensure that student is conditioned upon satisfactory educational progress in the previous grading period. Students are eligible for differential standards of proficiency pursuant to subdivision (d) of Section 51215 are covered by this section consistent with that subdivision. No person shall classify a student as eligible for differential standards of proficiency pursuant to subdivision (d) of Section 51215 for the purpose of circumventing the intent of this subdivision. Copies of this policy are available at your local school.

**Notice of Alternative Schools**—State law requires the following notice:

“California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

“(a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

“(b) Recognize that the best learning takes place when the student learns because of his desire to learn.

“(c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.

“(d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.

“(e) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

“In the event any parent, student, 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.”

**Involuntary Transfer of Students**—The governing board of each high school district or unified school district which assigns students to continuation schools shall adopt rules
and regulations governing procedures for the involuntary transfer of students to continuation schools. Prior to an involuntary transfer of a student to a continuation school, written notice shall be given to the student and parent informing them of the opportunity to request a meeting with a designee of the superintendent. The decision to transfer shall be in writing, stating facts and reasons for the decision and sent to the student and parent.

For more information on intradistrict and interdistrict transfers, enrollment options, and alternative schools, contact your local school district office. (EC 35160.5, 46600-46611, 48204, 48206.3, 48207, 48208, 48209, 48300-48315, 48432.5, 48915.1, 48980, 58501)

**Discipline**

Students shall attend school punctually and regularly; conform to the regulations of the school; obey promptly all the directions of the teacher and others in authority; observe good order and propriety of deportment; be diligent in study; respectful to the teacher and others in authority; kind and courteous to schoolmates; and refrain entirely from the use of profane and vulgar language.

Each school has adopted rules and procedures for the conduct and discipline of students attending that school. Students shall be held accountable for all acts and behavior which involve or affect other people. Student conduct and discipline rules, as well as suspension procedures and regulations are available at each school in the district.

**Parental Liability**—Parents and legal guardians are liable for willful misconduct of their children. The financial liability may be up to $10,000. They may also be liable for the amount, up to $10,000, of any reward paid pursuant to Government Code section 53069.5. Following notification to the parents or legal guardians, grades, diploma, and transcripts will be withheld until restitution is made.

**Suspension Notification**—A student may be suspended from school for no more than five (5) consecutive school days by a principal or superintendent for any reason enumerated in Ed Code 48900 and pursuant to 48900.5. At the time of suspension a school employee shall make a reasonable effort to contact the student’s parent in person or by telephone. Whenever a student is suspended from school, the parent shall be notified in writing.

The board may suspend a student for any number of school days within the limits of EC 48903. The board shall notify the parent and student of its intent to consider the suspension in closed session unless the parent requests in writing that the hearing be held as a public meeting.

**Corporal Punishment**—Corporal punishment may not be administered to a student. However, physical restraint to protect others is permissible.

**Expulsion**—The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of students, procedures for the filing and processing of requests for readmission, and the process for the required
review of all expelled students for readmission and make them available to students and parents. The student shall be entitled to a hearing to determine whether the student should be expelled. The hearing should be held within 30 school days after the date the school official determines that the student should be expelled, taking into consideration summer recess, scheduled board meetings, etc., unless the student requests in writing for a postponement. Written notice of the hearing shall be forwarded to the student at least 10 calendar days prior to the date of the hearing. Upon completion of the hearing, written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the school to the student or the student’s parent with information regarding their right to appeal, alternative educational placement during the expulsion, and the obligation of the parent upon the student’s enrollment in a new school district to inform that district of the student’s expulsion.

When an expelled student requests enrollment to a new school district, the board should hold a hearing to determine whether that individual poses a continuing danger, either to the students or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations as established by the governing board.

At the time an expulsion is ordered, the governing board should set a date as to when the student shall be reviewed for readmission. If the governing board denies the readmission of an expelled student, the student and parents will be notified in writing with a description of the reasons for denying readmittance.

**Hazing**—No student shall conspire to engage in hazing, participate in hazing, or commit any act that causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow student or person attending the school.

**Retaining Injurious Object**—The parent of a student from whom an injurious object has been taken may be notified by school personnel of the taking.

**Parental Attendance**—The district has a policy which authorizes teachers to request the parent or legal guardian of a student who has been suspended by the teacher to attend a portion of the school day in the student’s classroom, if the suspension was for one or more of the following:
- committing an obscene act,
- engaging in habitual profanity or vulgarity,
- disrupting school activities, or
- willfully defying valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

Copies of these policies are available at your local school. (EC 32051, 35291, 44807, 48900.1, 48904, 48904.3, 48980, 48911, 48912, 48915.1, 48916, 48918, 49000-49001, 49332, 5 CCR 300)
Health, Nutrition, and Immunizations
The district shall exclude any student who has not been immunized properly pursuant to Chapter 1 of Part 2 of Division 105 of the Health and Safety Code (commencing with Section 120325).

The district shall notify the parent of the student that they have two weeks to supply evidence either that the student has been properly immunized, or that the student is exempted from the immunization requirement pursuant to Section 120365 or 120370 of the Health and Safety Code and shall refer the parent to the student’s usual source of medical care to obtain the immunization, or if no usual source exists, either refer the parent to the county health department, or notify the parent that the immunizations will be administered at a school of the district. A parent may consent in writing to have the district administer immunizing agents.

Administration of Prescribed Medication—District personnel may assist students who are required to take, during the regular school day, medication prescribed for him or her by a physician. In order to receive such assistance the district must receive a written statement from the prescribing physician describing the method, amount, and time schedules by which the medication is to be taken and a written statement from the parent of the student requesting such assistance.

In order for a student to carry and self-administer prescription auto-injectable epinephrine, the school district shall obtain a written statement from the physician detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and confirming that the student is able to self-administer auto-injectable epinephrine, and a written statement from the parent consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the health care provider of the student regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the self-administering student suffers an adverse reaction as a result of self-administering medication.

Continuing Medication—The parent of any public school student on a continuing medication regimen for a nonepisodic condition shall inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervising physician. (This must be renewed every year—or more frequently if there are changes.) With the consent of the parent of the student, the school nurse may communicate with the physician and may counsel school personnel regarding the possible effects of the drug on the child’s physical, intellectual, and social behavior as well as possible behavior signs and symptoms of adverse side effects, omission, or overdose.

Physical Examinations—Each student within 90 days after entrance into the first grade, shall provide a certificate approved by the department to the school where the child is enrolled documenting that within the prior 18 months the child has received the appropriate health screening and evaluation services. A waiver signed by the child’s parent indicating that they do not want or are unable to obtain the health screening and evaluation services for their child shall be accepted by the school in
lieu of the certificate. If the waiver indicates that the parent was unable to obtain the services for the child, then the reasons why should be included in the waiver. Funds may be available to assist low-income children with a free health screening. If either a certificate or waiver is not provided by the parent, the child may be excluded from school for up to five days.

**Exemption from Physical Examination** — A parent may file a written statement with the district which states that they will not consent to a routine physical examination of their child. The student will be exempt from physical examination, but whenever there is good reason to believe the child is suffering from a recognized contagious or infectious disease, the child will be excluded from school attendance and shall not be permitted to return until the district is satisfied that any contagious or infectious disease does not exist.

**Oral Health Assessment** — Students enrolled in kindergarten (or 1st grade if not previously enrolled in kindergarten) are required by May 31 to present proof of having received an oral health assessment by a licensed dentist or dental health professional that was performed no earlier than 12 months prior to the initial date of enrollment. A parent may be excused from complying with this requirement by completing the appropriate form as developed by the State Department and provided by the district. Your local school will provide specific information regarding this requirement in a separate notification.

**Scoliosis Screening** — Evaluation of the spinal curvature of students shall be conducted for seventh grade girls and eighth grade boys unless they are exempt from such evaluation at the request of the parent (see Exemption from Physical Examination). If the evaluation results in suspicion that the student has scoliosis the parent will be notified.

**Sight and Hearing Screening** — Testing of the sight and hearing of each student enrolled in the district shall be conducted unless they are exempt from such evaluation at the request of the parent (see Exemption from Physical Examination). A report shall be made to the parent if a defect is noted.

**Insurance and Medical or Hospital Services** — The district may provide or make available medical or hospital services or insurance for injuries to students arising out of accidents occurring while in or on buildings and other premises of the district during the time such students are required to be therein or thereon by reason of their attendance upon a regular day school of such district or while being transported by the district to and from school or other place of instruction, or while at any other place as an incident to school-sponsored or athletic activities, or while being transported to, from, and between such places. No student shall be compelled to accept such service without his or her consent, or if a minor without the consent of his or her parent. The cost of the insurance may be paid, from the funds of the district or by the insured student, his or her parent.

School districts that elect to operate interscholastic athletic teams shall notify parents
that under state law school districts are required to ensure that all members of school athletic teams have accidental injury insurance that covers medical and hospital expenses. This insurance requirement can be met by the school district offering insurance or other health benefits that cover medical and hospital expenses.

Some students may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about the availability of insurance coverage and the programs mentioned previously, can be obtained by calling your local school.

**Nutrition and Meals**—Information regarding the district food services and programs may be obtained at each district school.

Forms regarding free and reduced priced meals will be distributed by your local school. Districts may allow the use, by authorized school district employees, of individual records of participation in any free or reduced-price meal program for the purpose of disaggregation of academic achievement data or to identify students eligible for public school choice and supplemental educational services pursuant to the federal No Child Left Behind Act of 2001.

**Immunization Records**—Unless a refusal to permit record sharing is made, health care providers may disclose information from a patient’s medical records to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services.

**Sunscreen**—Students have the right to wear sun-protective clothing outdoors. Additionally, sunscreen may be used without a prescription or physician’s note. Your school may set a policy regarding the type of sun protective clothing and the use of sunscreen during the school day.

Copies of policies are available at your local school. (EC 32221.5, 35183.5, 48216, 48980, 49403, 49423, 49451, 49452, 49452.5, 49452.8, 49455, 49456, 49471, 49472, 49480, 49510-20, 49558, Health and Safety 120440, 120365, 120370, 120375, 124085, 124100, 124105, Welfare and Institutions Code 18976.5)

**CURRICULUM**

**Dissection**—Except in classes and activities conducted as part of a program in agricultural education that provides instruction in the care, management, and evaluation of domestic animals, any student with a moral objection to dissecting or otherwise harming or destroying animals or any parts thereof may notify his or her teacher regarding the objection and present a substantiating note from his or her parent. The student may then be provided an alternative educational program or activity.

**HIV/AIDS Prevention and Comprehensive Sexual Health**—HIV/AIDS prevention instruction shall be offered by the district for students in grades 7-12. Parents have a 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:
Each school district shall notify the parent of each student about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on student health behaviors and risks planned for the upcoming year. The notice shall include the following:

- Advise the parent that written and audio-visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education are available for inspection.
- Advise the parent whether the comprehensive sexual health education or HIV/AIDS prevention education will be taught by school district personnel or by outside consultants.
- Information explaining the parent’s right to request a copy of this chapter.
- Advise the parent that the parent may request in writing that his or her child not receive comprehensive sexual health education or HIV/AIDS prevention education.

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

If any part of health instruction conflicts with the religious training or beliefs of a parent, the student may be excused from instruction upon written request of the parent.

**Gifted and Talented Program**—If the district provides a gifted and talented program, written consent of parent must be obtained prior to the student’s participation in the program.

**Internet and On-line Access**—The district is required to have a policy regarding access to the Internet and on-line sites that contain or make reference to harmful matters specified in the Penal Code, if they have provided students with access to the Internet or an on-line service. Copies of the policy are available at your local school.

**Failing Grades**—Whenever it becomes evident to the teacher that a student is in danger of failing a course, the district will prescribe regulations for either requiring a conference with or a written report to the student’s parent. These regulations are available at your local school.

**Prospectus**—The curriculum, including titles, descriptions, and instructional aims of every course offered, shall be compiled at least once annually in a prospectus. Each school site shall make its prospectus available for review upon request. When requested, the prospectus shall be reproduced, at a reasonable fee not to exceed the actual duplication cost, and made available.
Policies regarding curriculum are available at your local school. (EC 32255-32255.6, 49091.14, 51513, 51870.5, 51934, 51938, 48980, 49091.14, 49063, 49067, 5 CCR 3831)

**Nondiscrimination**

It is the policy of the district not to discriminate in its employment or educational practices on the basis of race, color, national origin, ethnicity, age, sex, religion, sexual orientation, disability, or lack of English skills.

Elementary and secondary classes and courses, including nonacademic and elective classes and courses are conducted without regard to the sex of the student enrolled in these classes and courses. No student shall be prohibited from enrolling in any class or course on the basis of his or her sex except a class or course in which human reproduction organs and their functions, processes, and/or venereal diseases are described, illustrated, or discussed. Students of one sex shall not be required to enroll in a particular class or course unless the same class or course is also required of students of the opposite sex. School counselors, teachers, instructors, administrators, and teacher aides may not, on the basis of a student’s sex, offer vocational or school program guidance that is different than that offered to students of the opposite sex. Parents shall be notified in a general manner at least once in advance of career counseling and course selection so they may participate.

Participation in a particular physical activity or sport, if required of students of one sex, shall be available to students of the opposite sex.

The name of the employee designated to coordinate sex discrimination prevention (Title IX) activities and copies of the grievance procedures regarding sex discrimination are available at your local school.

No otherwise qualified disabled individual shall, solely on the basis of his or her disability, be excluded for participation in, be denied the rights of, or be subjected to discrimination under any program or activity.

The name of the employee designated to coordinate the nondiscrimination on the basis of disability (Section 504 of the Rehabilitation Act of 1973) activities and copies of the grievance procedures regarding discrimination on the basis of disability are available at your local school. (EC 221.5, 260-262.4, 20 USC 1232H, 20 USC 1681-1688, 42 USC 2000d-2000d-7, 42 USC 12101-213, 34 CFR 106.9 GC 11138)

**School Uniforms**

The board may adopt a reasonable dress code policy that requires students to wear schoolwide uniforms. Notice of not less than 6 months will be provided to parents. The availability of resources will be provided to assist economically disadvantaged students. A method whereby parents may choose not to have their children comply will also be provided. (EC 35183)

**English Language Education**

Students are to be taught English by being instructed in English as required by state
law. This requirement may be waived by parents with prior written informed consent to be provided annually under specific circumstances. More information and procedures are available at your local school. (EC 310, 5 CCR 11309)

Parental Involvement-Migrant Education

Each school receiving migrant education funds or services shall follow the rules and regulations adopted by the Superintendent of Public Instruction for encouraging parental involvement by informing parents of migrant children of the opportunity to participate on the parent advisory council to assist in the planning, operation, and evaluation of its program and that they have the sole authority to decide on the composition of the council. Upon request, your school will provide you with a copy of all applicable state and federal migrant education statutes, rules and regulations, and guidelines. (EC 54444.2)

Sexual Harassment

The district has adopted a policy prohibiting sexual harassment in its schools. A copy of this policy is available at your local school. (EC 212.5, 231.5, 48980(g))

Complaints

Within 60 days from the date of the receipt of a complaint (except for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies or misassignments which must be processed in accordance with the Uniform Complaint Procedures) the school shall conduct an investigation of the complaint in accordance with adopted procedures and prepare a written decision. The decision shall be in writing and sent to the complainant with information regarding the findings of fact based on the evidence gathered, conclusion of law, disposition of the complaint, the rationale for such disposition, corrective actions (if warranted), notice of the complainant’s right to appeal the decision to the State Department, and procedures to be followed for initiating an appeal to the State Department. (5 CCR 4631)

Guidelines for filing a complaint with local child protective agencies against a school employee that commits an act of child abuse as defined by the Penal Code against a student at a school site shall be adopted by the State Department and provided to parents by their local school upon request. (EC 48987)

Minimum and Staff Development Days

The district has adopted school calendars which indicate the full days of student attendance, the shortened days of student attendance, and the days that students do not attend so that the staff can participate in staff development activities. Copies of the calendar can be obtained at your local school site. If additional shortened days or days of staff development activities are determined, the district will notify parents no later than one month prior to the change taking place. (EC 48980(c))

Release of a Minor to Police Officer

When a principal or other school official releases a minor student to a peace officer
for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165.6 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code. In those cases, the school official shall provide the peace officer with the address and telephone number of the minor’s parent. The peace officer shall take immediate steps to notify the parent of the minor that the minor is in custody and the place where he or she is being held. If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours. The officer shall, however, inform the parent whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where a minor is being held at a subsequent detention hearing. (EC 48906)

School Accountability Report Card
The governing board of the school district annually issues a School Accountability Report Card for each school in the district. Copies of these report cards are available at the school site. (EC 35256)

Continuous School Program
Prior to implementing a continuous school program the Board shall consult in good faith in an effort to reach agreement with the staff, parents of students affected by the change, and the community at large. Such consultation shall include at least one public hearing for which the board has given adequate notice to employees and parents of students affected. (EC 37616)

Minimum Age of Admission to Kindergarten
Children who will be 5 years old on or before December 2 of the school year, will be admitted to kindergarten at the beginning of the school year. Children turning 5 after December 2 but during the school year, may be admitted with informed parent consent and subject to board approval. (EC 48000)

School-Accreditation Status
If a school loses its accreditation status, the school district shall notify in writing each parent of this fact and the potential consequences. (EC 35178.4)

Testing
California High School Exit Exam (CAHSEE)—Commencing with the Class of 2006, each student completing 12th grade will be required to successfully pass the California High School Exit Examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Information regarding dates of exam, requirements for passing, and consequences of not passing are available at your local school.
Standardized Testing—The State Department of Education shall ensure that school districts comply with each of the following requirements:

- The achievement test designated pursuant to Section 60642 and the standards-based achievement test provided for in Section 60642.5 are scheduled to be administered to all students during the period prescribed in subdivision (b) of Section 60640.
- The individual results of each student test administered pursuant to Section 60640 shall be reported, in writing, to the student’s parent. The written report shall include a clear explanation of the purpose of the test, the student’s score, and its intended use by the school district. Nothing in this subdivision shall be construed to require teachers to prepare individualized explanations of each student’s test score.
- The individual results of each student test administered pursuant to Section 60640 shall also be reported to the student’s school and teachers. The school district shall include the student’s test results in his or her student records. However, except as provided in this section, individual student test results may only be released with the permission of the student’s parent.
- The district wide, school-level, and grade-level results of the STAR Program in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable student, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

The publisher designated pursuant to Section 60642 and the publisher of the standards-based achievement tests provided for in Section 60642.5 shall make the individual student, grade, school, school district, and state results available to the State Department of Education pursuant to paragraph (9) of subdivision (a) of Section 60643 by August 8 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25. The State Department of Education shall make the grade, school, school district, and state results available on the Internet by August 15 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25.

The department shall take all reasonable steps to ensure that the results of the test for all students who take the test by June 25 are made available on the Internet by August 15, as set forth in subdivision (b).

Exam Fees—Funds may be available to assist students with the cost of advanced placement exam fees. More information is available at your local school.

Examination Announcement—Secondary students in grades 11 and 12 shall be provided information on the California High School Proficiency Examination upon receipt of announcements from the State Department of Education in time sufficient to meet all fall examination registration requirements.
More information and policies regarding testing are available at your local school. (EC 48980, 52244, 60641, 60850, State Board of Education Action—July 2003, 5 CCR 863, 5 CCR 11523)

Open Campus
Parents will be notified if the district permits students to leave the school grounds during their lunch period. Neither the district nor any of its officers or employees shall be liable for the conduct or safety of any student during the period of time that he or she has left the school grounds. (EC 44808.5, 48980)

Safety
Student Fingerprinting—The district may elect to create a program of fingerprinting students. If it has done so, you will receive notification regarding the program. Additional information regarding the fingerprinting of students can be obtained at your local school.

Asbestos Hazard—The district has adopted a management plan regarding hazardous asbestos material for each school. Copies of the school’s management plan are available at each school.

Pesticide Use Notification—The district shall annually provide to all staff and parents of students enrolled at a school site a written notification of the name of all pesticide products expected to be applied at the school facility during the upcoming year. Parents may register with the school district if they wish to receive notification of individual pesticide applications at the school facility. Parents who register for such notification shall be notified of individual pesticide applications at least 72 hours prior to the application. Information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation may be obtained at www.cdpr.ca.gov.

School Safety Plan—The Superintendent or designee shall oversee the development of a comprehensive district wide safety plan that identifies major safety concerns as well as the district’s goals and priorities for safe schools. Each school is required to report on the status of its school safety plan including a description of its key elements in the School Accountability Report Card (SARC). The school site council or school safety planning committee is required to hold a public planning meeting to allow members of the public to express opinion about the school safety plan.

School Bus Safety—Students that are transported by school bus are provided instruction on emergency procedures and passenger safety. Districts will provide written school bus safety information to new students in grades K-6, if the students have not previously been transported by school bus.

University Campus Buildings—Parents of high school students attending classes on university campuses are notified that while university campuses are required to conform to the rigorous standards of the Uniform Building Code, the buildings on the university campuses may not meet Education Code requirements for structural safety.
Copies of policies regarding safety are available at your local school. (EC 17288, 17612, 32282-88, 32390, 39831.5, 48980, 48980.3, 48981, 48982, 48983, 48984, 48985, 40 CFR 763.93)

**School Records**

Parents of currently enrolled or former students have an absolute right to access any and all student records related to their children which are maintained by the school. The editing or withholding of any such records, except as provided for by law, is prohibited. Records created by the district’s law enforcement unit, such as security videotapes are not subject to the federal laws regarding student records and the federal law does not prohibit a school official from disclosing information about a student if the information is obtained through the official’s personal knowledge or observation, not from the student’s educational record.

Each school district has adopted procedures for the granting of requests by parents for copies of all student records, or to inspect and review records during regular school hours. Access shall be granted no later than five days following the date of the request. Specific procedures are available at your local school.

**Availability of Student Records**—The following information is available to parents:

- The types of student records and information contained therein which are directly related to students and maintained by the institution;
- The position of the official responsible for the maintenance of each type of record;
- The location of the log or record required to be maintained;
- The criteria to be used by the district in defining "school officials and employees" and in determining "legitimate educational interest";
- The policies for reviewing and expunging those records;
- The right of the parent to access to student records;
- The procedures for challenging the content of student records;
- The cost if any which will be charged to the parent for reproducing copies of records;
- The categories of information which the district has designated as directory information;
- Any other rights and requirements of the parent to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with the provisions of Section 438 of the General Education Provisions Act (20 U.S.C.A. Sec. 1232g);
- The availability of the prospectus prepared.

To access this information, please contact your local school.

**Student Record Transfers**—Whenever a student transfers from one school district to another or to a private school, or transfers from a private school to a school district within the state, the student’s permanent record or a copy thereof shall be transferred by the former district or private school upon a request from the district or private school where the student intends to enroll. Any school district requesting such a transfer of a record shall notify the parent of his right to receive a copy of the record.
and a right to a hearing to challenge the content of the record. The State Board of Education is hereby authorized to adopt rules and regulations concerning the transfer of records.

**Content of Students Records**—Following an inspection and review of a student's records, the parent or guardian of a student or former student of a school district may challenge or question the content of any student record and receive a response from the school regarding a question of anything that the parent feels is inaccurate, misleading, or an invasion of privacy.

The parent or guardian of a student may file a written request with the superintendent of the district to correct or remove any information recorded in the written records concerning his or her child which the parent or guardian alleges to be any of the following:

- inaccurate;
- an unsubstantiated personal conclusion or inference;
- a conclusion or inference outside of the observer's area of competence;
- not based on the personal observation of a named person with the time and place of the observation noted;
- misleading; or
- in violation of the privacy or other rights of the student.

**Compliance with Court Order or Subpoena**—When complying with a court order or subpoena to disclose student information, districts shall make a reasonable effort to notify parents in advance of compliance.

**Family Educational Rights and Privacy Act (FERPA)**
Privacy and right of access is granted to eligible students and to their parents in regards to student records. Eligible students are students age 18 and older or students who are enrolled in an institution of postsecondary instruction. Parents or eligible students may review records by making a request to the district or school. Parents or eligible students may request the district to remove or correct any inaccurate or inappropriate information.

**Student Records**—Parents and eligible students (students over 18 years of age) have the right to:

- inspect and review the student’s education records within 45 days of the day the school receives a request for access.

Parents or eligible students should submit to the school principal, or appropriate school official, a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- request the amendment of the student’s education records that the parent or eligible student believes are inaccurate.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal, or appropriate school official, clearly identify the part of the record they want changed, and
specify why it is inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.
  
  One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
  
  A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

  Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. Schools shall make a reasonable attempt to notify parent or eligible students as necessary.

- file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

  Family Policy Compliance Office
  U.S. Department of Education
  400 Maryland Avenue, SW
  Washington, DC  20202-5920

**Release of Directory Information**—School districts, with certain exceptions, must obtain your written consent prior to the disclosure of personally identifiable information from your child’s education records. However, school districts may disclose appropriately designated “directory information” without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the school district to include this type of information from your child’s education records in certain school publications. Examples include:

- A playbill, showing your student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.
Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student’s information disclosed without their prior written consent. If you do not want the district to disclose directory information from your child’s education records without your prior written consent, you must notify the district in writing. The district has designated the following information as directory information:

- Student’s name;
- Participation in officially recognized activities and sports;
- Address;
- Telephone listing;
- Weight and height of members of athletic teams;
- Electronic mail address;
- Photograph;
- Degrees, honors, and awards received;
- Date and place of birth;
- Major field of study;
- Dates of attendance;
- Grade level;
- The most recent educational agency or institution attended.

**Surveys, Collection & Use of Information for Marketing Purposes, & Certain Physical Exams**—Parents are afforded certain rights regarding the conducting of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

- Political affiliations or beliefs of the student or student’s parent;
- Mental or psychological problems of the student or student’s family;
- Sex behavior or attitudes;
- Illegal, antisocial, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships;
- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- Religious practices, affiliations, or beliefs of the student or parents; or
- Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of:

- Any other protected information survey, regardless of funding;
- Any non-emergency, invasive physical exam or screening required as a
condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and

- Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use:

- Protected information surveys of students;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

The district will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The school district will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The school district will also directly notify, such as through U.S. Mail or e-mail, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The school district will make this notification to parents at the beginning of the school year if the district has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution;
- Administration of any protected information survey not funded in whole or in part by ED;
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5920
**CSIS Participation Disclosure**—Your district may be participating with the California School Information Services (CSIS) Program in the electronic transfer of student data for state reporting to the California Department of Education and to districts and/or public postsecondary institutions to which the student is transferring or applying for admission. If so, all data maintained by the CSIS Program is in compliance with federal and state privacy and confidentiality requirements. Student information is encoded so that no personally identifiable information is retained by CSIS.

The benefits of participation to the student and parent are that student records can be transferred much more promptly, and that information about student assessment and academic placement will be available at the time of transfer. Schools and districts will benefit from the streamlining and reduction of required state reporting.

Parents have the right to inspect student information maintained by the CSIS program. Contact your local school to initiate this procedure. (EC 49073, 49063, 49068, 49069, 49070, 49076, 49077, 51101, 51513, USC Title 20 1232g, USC Title 20 1232h, 20 USC. 7908, 34 CFR 99.7, ESEA Title IX-Section 9528, P.L. 107-107, P.L. 107-110, 10 USC 503, 34 CFR Part 98 & 99)

**Uniform Complaint Procedures**

Parents may file a complaint with the district or the California Department of Education alleging a violation by the district of state and/or federal laws or regulations in any program or activity which is funded by state or federal funds. This process may be used to help identify and resolve any 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. The district has developed policies and procedures for filing complaints. Information regarding these policies and procedures is available at your local school. (5 CCR 4622, EC 35186)

**Courses of Study**

Districts maintaining high schools are required to maintain accurate lists of courses that are currently offered and are certified by the University of California (UC) as meeting college admission criteria. The district must make updated lists readily available to students and provide a copy of the list annually to each student.

At the beginning of each school year, the Superintendent or designee shall provide written notice to parents/guardians of students in grades 9 – 12 that, to the extent possible, shall not exceed one page in length and that includes all of the following:

1. A brief explanation of the college admission requirements
2. A list of the current UC and California State University (CSU) web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU
3. A brief description of what career technical education is, as defined by the California Department of Education (CDE)
4. The Internet address for the portion of the web site of the CDE where students can learn more about Career Technical Education
5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in Career Technical Education courses. (EC 51229)

Career Technical Education

Districts that maintain any grades 7–12 are required to include courses in Career Technical Education (CTE). A description of CTE for students in grades 9–12 must be provided to parents/guardians annually. All CTE opportunities are to be offered without regard to race, color, national origin, sex, or disability. The lack of English skills will not be a barrier to admission and/or participation in the CTE program. (EC 51229)

Exit Exam Intensive Instruction

The district shall notify, in writing, all students who have not passed one or both parts of the exit exam by the end of grade 12, or the parents/guardians of such students if under age 18, of the availability of intensive instruction and services each term for the next two consecutive school years. Eligible students also shall be notified of their right to file a complaint regarding the intensive instruction and services in accordance with Williams Uniform Complaint Procedures. (EC 37254)

Williams Uniform Complaint Procedures

The district is required to post the following notice in each classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.

2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.

3. There should be no teacher vacancies or misassignments as defined in Education Code 35186(h)(2) and (3).

4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.

5. A complaint form can be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: http://www.cde.ca.gov/re/cp/uc.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.
Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (EC 35186)
Parents Rights Act of 2002 & No Child Left Behind

Parents of enrolled students have the right to be included in the educational process and to have access to the system on behalf of their children. These rights are outlined below:

Classroom Observing
Parents have the right to visit the classroom in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled in accordance with the requirements of any intradistrict or interdistrict student attendance policies or programs. The time and date of the visitation must be arranged in advance with the school.

Teacher Conferencing
Parents have the right to request a conference with their child's teacher(s) or the principal. Parents should contact the school to schedule a date and time convenient to all participants.

Volunteering
Parents have the right to volunteer their time and resources for the improvement of school facilities and programs. Parents should contact the school to determine the terms and conditions of this service.

Student Attendance
Parents have the right to be notified in a timely manner if their child is absent from school without permission.

School of Attendance
Parents have the right to request a particular school for their child and to receive a response from the school district (this does not obligate the district to grant the request).

Safe Environment
Parents have the right to have a school environment for their child that is safe and supportive of learning.

Student Testing
Parents have the right to be notified of their child's performance on standardized and statewide tests and the school's ranking on these tests. (Under other state law, parents may request that their child not participate in the statewide tests.)

Curriculum Materials
Parents have the right to examine the curriculum materials of the class or classes in which their child is enrolled.

Student Academic Progress
Parents have the right to be informed of their child's academic progress in school and of the persons to contact if they wish more information or assistance with their child.
Standards
Parents have the right to receive information regarding the academic standards their child is expected to meet.

Promotion/Retention
Parents have the right to be notified, as early in the year as practicable, if their child is identified as being at risk of retention and of the right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child. (EC 48070.5)

Psychological Testing
Parents have the right to receive information on all psychological testing recommended for their child and to deny permission to give the test.

Councils and Committees
Parents have the right to participate as a member of a parent advisory committee, school-site council, or site-based management leadership team in accordance with established rules and regulations for membership. (EC 54444)

Parents also have the right to attend at least two meetings per year scheduled by the school to get information on school issues and activities.

Policy Development
Parents and guardians have the right and should be given the opportunity to work in a mutually supportive and respectful partnership with the school to help their child succeed. The governing board of each school district shall adopt a jointly created policy that outlines how parents and guardians, school staff, and students may share the responsibility for the intellectual, physical, emotional, social development, and well-being of their students. This policy shall include, but is not limited to:

1. How parents/guardians and the school will help students to achieve academic and other standards.

2. How the school will provide high-quality curriculum and instruction in a supportive learning environment to all students enrolled.

3. What parents and guardians can do to support their child's learning environment, including but not limited to:
   - Monitoring school attendance;
   - Monitoring homework completion;
   - Encouraging participation in extracurricular activities;
   - Monitoring and regulating television viewing;
   - Planning and participating in activities at home;
   - Supporting classroom activities;
   - Volunteering at school;
   - Participating in decision-making processes at school.
Teacher & Paraprofessional Qualifications

Parents have the right to request and receive timely information on the professional qualifications of their children’s classroom teacher and paraprofessional if the district receives Title I funds.

The information must include, at a minimum, the following:

- Whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- Whether the teacher is teaching under an emergency or other provisional status through which State qualifications or licensing criteria have been waived.
- The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

In addition to the information that parents may request, a school that receives funds under this part shall provide to each individual parent:

- Information on the level of achievement of the parent’s child, in each of the State academic assessments as required under this part.
- Timely notice that the parent’s child has been assigned, or has been taught for 4 or more consecutive weeks by a teacher who is not highly qualified.

(20 USC 6311)

Limited English Proficient Students

Prior notice is to be provided to parents of limited English proficient students regarding limited English proficiency programs, including the reasons for the identification of the student as limited English proficient, the need of the placement in a language instruction educational program, the student’s level of English proficiency within 30 days upon receiving the results, how such level was assessed, the status of the student's academic achievement, the methods of instruction used in the programs available, how the recommended program will meet the student’s needs, program content, expected rate of transition into classrooms not tailored for limited English proficient students, parent options to remove a student from a program and/or to decline initial enrollment, parent opportunity to participate in the school or school district advisory committee or both, and assistance to parents in selecting among various programs or methods of instruction, if necessary.

Parents are encouraged to visit the classroom and come to the school for a conference.

(EC 52163, 52164.1, 52164.3, 52173, T5 11303, USC Title 20 6312)

Program Improvement Schools

Parents will be notified when their child’s school is identified as a “program improvement” school and the opportunities for school choice and supplemental instruction.

(USC Title 20 6316)
Armed Forces Recruiter Access to Students and Student Recruiting Information:
A secondary school student or the parent of the student may request that their
student’s name, address and telephone listing not be released without prior written
parental consent. (20 USC 7908)

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

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

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

To gain admission to college, students must also take and submit scores from either
the Scholastic Aptitude Test (SAT) or the American College Test (ACT). Your child’s
high school counseling office can provide the testing dates and locations. (EC 51229,

It’s never too early to start
planning for college
expenses . . .
a secure way is to use
U.S. Savings Bonds.
INTRODUCTION
This information provides you as parents, legal guardians, persons authorized to make educational decisions, and surrogate parents of children with disabilities from 3 years of age through age 21 with an overview of your educational rights, sometimes called procedural safeguards. This notice is also provided for students who are entitled to these rights at age 18. (20 USC 1415; EC 56321) A copy of these safeguards will be given to you once a year. Additional copies may be given upon an initial referral or parent request for evaluation, upon the first occurrence of the filing of a complaint under Section 615(b) (6) of H.R. 1350, upon provision of an assessment plan to parents and at your request. If your district has a website, a copy of these procedural safeguards may be made available to you through that website. [615(d) (1) (A-B)]
You may elect to receive this notice and other notices required under this section by an electronic mail (e-mail) communication, if your district makes such an option available. [615(n)]

PARTICIPATION IN MAKING DECISION ABOUT YOUR CHILD’S EDUCATION

You have the right to refer your child for special education services. You must be given opportunities to participate in any decision-making meeting regarding your child’s special education program. You have the right to participate in an IEP meeting about the identification (eligibility), assessment, educational placement of your child and other matters relating to your child’s free appropriate public education. [20 USC 1414(b)(c)(d) and (f); EC 56341(b), 56343(c)]

You also have the right to participate in the development of the IEP and to be informed of program options, and the availability of free appropriate public education.

Additionally, you have the right to electronically record the meeting on an audio tape recorder. The law requires that you notify the district at least 24 hours prior to meeting if you intend to record the proceedings. (EC 56341.1)

Additional Assistance
When you have a concern about your child’s education, it is important that you call or contact your child’s teacher or administrators to talk about your child and any problems you see. Staff in the Special Education Department can answer questions about your child’s education, your rights and procedural safeguards. When you have a concern, this informal conversation often solves the problem and helps maintain
open communication. Additional resources are listed at the end of this document to help you understand the procedural safeguards.

NOTICE, CONSENT, ASSESSMENT, AND ACCESS

**Prior Written Notice**
You have the right to receive a written notice from the school district before decisions affecting your child’s special education are put into place. These include decisions to:

· identify your child as a child with a disability, or change your child’s eligibility from one disability to another;
· evaluate or reevaluate your child;
· provide a free appropriate public education to your child, or change a component of your child’s free appropriate public education;
· place your child in a special education program; or,
· change your child’s special education placement. (20 USC 1415[b]; EC 56500.4)

You also have the right to written notice from the school district if the district refuses your request to take these actions.

The Prior Written Notice must include the following:

· a description of the actions proposed or refused by the school district;
· an explanation of why the action was proposed or refused;
· a description of other options considered and the reasons those options were rejected;
· a description of each assessment procedure, test, record or report used as a basis for the action proposed or refused;
· a description of any other factors relevant to the action proposed or refused; and
· a statement that parents of a child with a disability are protected by the procedural safeguards.

If the notice is not in regard to an initial referral for assessment, the notice must provide a statement that you have protection under procedural safeguards, information on how you can obtain a copy of described procedural safeguards, and sources of additional assistance in understanding the procedural safeguards. (20 USC 1415[c])

**Parent Consent**
Parents’ written approval is required for:

% **First Evaluation:** The school district must have your informed written consent before it can evaluate your child. You will be informed about the evaluations to be used with your child. Your school district must make reasonable efforts to obtain your informed consent for a first evaluation.

% **Reevaluation:** The school district must have your informed written consent before reevaluating your child. To avoid confusion, you should inform the school in writing if you want to refuse consent to a reevaluation. The school district may reevaluate your child without your written consent if the school district has taken reasonable measures to get your consent and you have not responded.
% Initial and Continued Placement in Special Education: You must give informed written consent before the school district can place your child in a special education program. You can refuse consent for an evaluation, a reevaluation or the initial placement of your child in special education. The school district may seek to evaluate or continue your child’s placement in special education through a due process hearing, if it believes that it is necessary for your child’s education. You and the school district may agree to first try mediation to resolve your disagreements.

o (EC 56321[c], 56346,56506[e]; 20 USC 1414[a][c])

Consent forms must describe the activity for which consent is sought and list the records (if any) that will be released and to whom. You can revoke consent at any time, except that revocation is not retroactive (does not negate actions that occurred after consent was given and before consent was revoked). (34 CFR 300.300)

Surrogate Parent Appointment
In order to protect the rights of the child, school districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent. A surrogate parent may be appointed if the child is an adjudicated dependent or ward of the court under the state Welfare and Institutions Code and the child is referred to special education or already has an IEP. A district must make reasonable efforts to appoint a surrogate within 30 days after determining that a surrogate is needed. (20 USC 1415[b]; EC 56050)

Age of Majority
When your child reaches the age of 18, all rights under Part B of the Individuals with Disabilities Education Act (IDEA) will transfer to your child. The only exception will be if your child is determined to be incompetent under State Law. (34 CFR 300.517 30; EC 56041.5)

Assessment
Nondiscriminatory Assessment
You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory. Assessment materials must be provided and the test(s) administered in your child’s native language or mode of communication, unless it is clearly not feasible to do so. No single procedure can be the sole criterion for determining eligibility and developing an appropriate education program for your child. (20 USC 1414[a][b]; EC 56001[j] and 56320)

Assessment Plan
When the district is seeking to assess your child, you will be given a written, proposed assessment plan. Along with that plan you will receive a copy of this Procedural Safeguards document. When the assessment is completed, an individualized education program team meeting, which includes you, the parent or guardian, and or your representatives, will be scheduled to determine whether the student qualifies
for special education services. In making the decision regarding eligibility, your child will not be found eligible if the determinant factor is any one of the following:

A. Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in Section 6368(3) of Title 20 of the United States Code.
B. Lack of appropriate instruction in mathematics.
C. Limited-English proficiency.
D. The pupil does not otherwise meet the eligibility criteria under Section 300.8(a) of Title 34 of the Code of Federal Regulations.

The IEP Team will discuss the assessment, the educational recommendations and the reasons for these recommendations. A copy of the assessment report and the documentation of determination of eligibility will be given to you. (EC 56329(a)(1)(2)(3))

Independent Educational Evaluation
If you disagree with the results of the assessment conducted by the school district, you have the right to ask for one independent education evaluation (IEE) for your child, per evaluation conducted by the district, from a person qualified to conduct the assessment, at public expense. The school district must respond to your request for independent educational evaluation and provide you information, upon request, about where to obtain an independent educational evaluation. Alternatively, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP Team must consider independent assessments.

District assessment procedures may allow in-class observation of students. If the school district observed your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed an equivalent opportunity to observe your child in the classroom. If the school district proposes a new school setting for your child an independent educational assessor must be allowed to first observe your child in the proposed new setting. (EC 56329(b)and(c))

Access to Educational Records
All parents of a child enrolled in the school district have the right to inspect records under the federal Family Educational Rights and Privacy Act (FERPA), which has been implemented in California under Education Code sections 49060-49079. Under IDEA, parents of a child with disabilities (including noncustodial parents whose rights have not been limited) have the right to review all educational records regarding the identification, evaluation and educational placement of the child and the provision of a free appropriate public education and to receive an explanation and interpretation of the records. Under California statutes, the parents have the right to review and to receive copies of educational records. These rights transfer to a nonconserved pupil who is eighteen years old or attending an institution of post secondary education.
Parental consent, or the consent of an adult student, is required before personally identifiable information is released to officials of participating agencies providing or paying for transition services related to post secondary goals.

“Education record” means those records that are directly related to a pupil and maintained by an educational agency or a party acting for the agency or institutions, and may include (1) the name of the child, the child’s parent or other family member; (2) the address of the child; (3) a personal identifier such as the child’s social security number, student number, or court file number; (4) a list of personal characteristics or other information that would make it possible to identify the child with a reasonable certainty. Both federal and state laws further define a pupil record as any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm, computer or by other means. Pupil records do not include informal personal notes prepared and kept by a school employee for his/her own use or the use of a substitute. If records contain information about more than one student, a parent can have access only to that portion of the record pertaining to his/her child.

Pupil records may be kept at the school site or district office, but a written request for records at either site will be treated as a request for records from all sites. The district custodian of records will provide you with a list of the types and locations of pupil records (if requested).

The custodian of the records shall limit access to those persons authorized to review the pupil record, which includes the parents of the pupil, a pupil who is at least sixteen years old, individuals who have been authorized by the parent to inspect the records, school employees who have a legitimate educational interest in the records, post secondary institutions designated by the pupil, and employees of federal, state and local education agencies. Unauthorized access will be denied unless the parent has provided written consent to release the records or the records are released pursuant to a subpoena or court order. The district shall keep a log indicating the time, name and purpose for access of those individuals who are not employed by the school district.

You have a right to inspect and review all of your child’s educational records without unnecessary delay, including prior to a meeting about your child’s IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five days after the request has been made orally or in writing. A fee for copies, but not the cost to search and retrieve, may be charged unless charging the fee would effectively deny access to the parent. (20 USC 1415[b]; EC 56501, 56504, and 49069)

Parents who believe that information in the education records collected, maintained or used by the school district is (among other things) inaccurate, misleading or violates the privacy or other rights of the pupil may request in writing that the school district amend the information. If the district concurs, the record will be amended and the parent will be informed. Should the district refuse to make the amendment

Rights of Parents, Legal Guardians, & Students
requested, the district shall notify the parent of the right to and provide a hearing, if required, to determine whether the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the pupil. If it is decided by the governing board after the hearing that a record will not be amended, the parent shall have the right to provide what he/she believes is a corrective written statement to be permanently attached to the record. The district has policies and procedures governing the retention and destruction of records. Parents wishing to request the destruction of records, which are no longer necessary to the school district, may contact the District’s Custodian of Records. However, the district is required to maintain certain information in perpetuity.

(34 CFR 99; CFR 300.561—573; 20 USC 1415[b](1); 34 CFR 500.567; EC 49070)

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

The public education agency initiates and conducts meetings for the purpose of developing, reviewing and revising the individualized education program of each child with a disability. The IEP documents the child’s eligibility for special education services and parents receive a copy of each IEP for their child. These meetings are conducted by the individualized education program (IEP) team.

When the IEP has been completed and appropriate parental consent has been provided, it is implemented as soon as possible following the IEP team meeting. A copy of the IEP is provided to the parents at no cost and if necessary, a copy of the IEP will be provided in the primary language of the parent(s), at the request of the parent(s). An individualized family service plan (IFSP) for a child aged three through five may serve as the IEP after a full explanation of the difference and written parent consent. The IEP team must consider the concerns of the parents for enhancing the education of their child.

IEP Team Members and Responsibilities

The IEP team includes:

- An administrator or a representative designated by administration who is knowledgeable about program options appropriate for the child and who is qualified to provide, or supervise the provision of special education;
- At least one general education teacher of the child, if the child is, or may be participating, in the general education environment;
- At least one special education teacher of the child, or if appropriate, at least one special education provider of the child; and,
- One or both of the child’s parents, individuals selected by the parent, or both.

When appropriate, the IEP team will also include:

- The child, including when the team will discuss transition services;
- Other persons who possess expertise or knowledge necessary for the development of the IEP;
- When the child has been assessed for purposes of developing, reviewing or revising the IEP, a person who has conducted an assessment of the child or who is knowledgeable about the assessment procedures used to assess the child and is familiar with the results of the assessment; and,
When the child is suspected to have a learning disability, at least one member of the IEP team, other than the child’s regular teacher, will be a person who has observed the child’s educational performance in an appropriate setting. If the child is younger than five years or is not enrolled in a school, a team member will observe the child in an environment appropriate for a child that age.

A member of the IEP team may be excused from an IEP team meeting, in whole or in part, when the LEA and the parent agree that the attendance of the member is not necessary because the member’s area of curriculum or related services is not being modified or discussed at the meeting. When the member’s area of curriculum or related services is being modified or discussed at the meeting, a required member of the IEP team may be excused, but only when the LEA and the parent consent to the excusal in writing, and the member submits in writing input into the development of the IEP prior to the meeting. The excusal provisions do not apply to parents, the student or persons with special knowledge or expertise.

If the child does not attend an IEP team meeting where transition services will be discussed, the district will ensure that the child’s needs and preferences are considered. The district may invite representatives from other agencies that are likely to be responsible for transition services.

**HOW DISPUTES ARE RESOLVED**

**Due Process Hearing**
You have the right to request an impartial due process hearing regarding:
- The identification of your child for special education eligibility.
- The assessment of your child.
- The educational placement of your child.
- The provision of a free appropriate public education (FAPE) for your child.

The request for a due process hearing must be filed within two years from the date you knew or had reason to know of the facts that were the basis for the hearing request. [H.R.1350 §615(f)(3)(C)]

There is an exception to this timeline if you were prevented from requesting the hearing earlier because:
- the district misrepresented that it had resolved the problem
- the district withheld information that should have been provided to you. [H.R.1350 §615(f)(3)(D)]

**Mediation and Alternative Dispute Resolution (ADR)**
You may ask the school district to resolve disputes through mediation, which is less adversarial than a due process hearing. Alternative Dispute Resolution (ADR) may also be available in your district. Mediation and ADR are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing. The parents and the school district must agree to try mediation before mediation is
attempted. A mediator is a person who is trained in strategies that help people come to agreement over difficult issues. (20 USC 1415[e]; EC 56500.3)

Due Process Rights
You have a right to:

1. Have a fair and impartial administrative hearing at the state level with a person who is knowledgeable of the laws governing special education and administrative hearings (EC 56501[b]);
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (EC 56505[e]; 20 USC 1415[h]);
3. Present evidence, written arguments, and oral arguments (EC 56505[e]);
4. Confront, cross-examine, and require witnesses to be present (EC 56505[e]);
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (EC 56505[e]; 20 USC 1415[h]);
6. Have your child present at the hearing (EC 56501[c]);
7. Have the hearing be open or closed to the public (EC 56501[c]);
8. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten calendar days prior to the hearing (EC 56505[e] and 56043[s]; 20 USC 1415[b]);
9. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five business days before a hearing. (EC 56505[e];
10. Have an interpreter provided at the expense of the California Dept. of Education (CCR 3082[d]);
11. Have a mediation conference at any point during the due process hearing (EC 56501[b]); and
12. Receive notice from the other party, at least ten days prior to the hearing that it intends to be represented by an attorney. (EC 56507[a])

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys’ fees as a part of the costs to you as the parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys’ fees may also be awarded following the conclusion of the administrative hearing with the agreement of the parties. (20 USC 1415[i]; EC 56507[b])

Fees may be reduced for any of the following:

1. The court finds that you unreasonably delayed the final resolution of the controversy;
2. The hourly attorneys’ fees exceed the prevailing rate in the community for similar services by attorneys of reasonable comparable skill, reputation and experience;
3. The time spent and legal services provided were excessive; or
4. Your attorney did not provide to the school district the appropriate information in the due process complaint.
Attorneys’ fees will not be reduced, however, if the court finds that the state or the school district unreasonable delayed the final resolution of the action or proceeding or there was a procedural safeguards violation. *(20 USC 1415[j])* Attorneys’ fees may not be awarded relating to any meeting of the IEP team unless an IEP meeting is convened as a result of a due process hearing proceeding or judicial action. Attorney fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten days before the hearing begins and the hearing decision is not more favorable than the settlement offer. *(20 USC 1415[d])*

**Filing a Written Due Process Complaint**

To file for mediation or a due process hearing, contact:

**Office of Administrative Hearings**
**Special Education Unit**
**1102 Q Street, 4th Floor**
**Sacramento, CA 95814**
**Phone: (916) 323-6876**
**Fax: (916) 322-8014**

You need to file a written request for a due process hearing. The written notice shall be kept confidential. You or your representative needs to submit the following information in your request:

1. Name of the child;
2. Address of the residence of the child;
3. Name of the school the child is attending; and
4. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

State law requires that either party filing for a due process hearing must provide a copy of the written request to the other party. *(20 USC 1415[h]; EC 56502[c])*

**Child’s Placement While Due Process Proceedings are Pending**

According to the “stay put” provision of the law, a child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. *(20 USC 1415[j]; EC 56505[d]and [i])*

**Opportunity for District to Resolve the Complaint**

If you choose to file a due process complaint as explained in the section entitled “Filing a Written Due Process Complaint,” a meeting must be scheduled by the district within 15 days of receiving the notice of your due process complaint. The purpose of the meeting is to give you opportunity to discuss your due process complaint and the facts on which you based your complaint so that the district has a chance to address your concerns and work with you to reach a resolution. This meeting must be held before the initiation of a due process hearing unless you and the school district agree in writing to waive the meeting and use the mediation process. The meeting must
include the parents and other members of the IEP team who have specific knowledge of the facts. The district has 30 days from the receipt of the due process complaint to resolve the due process complaint or the due process hearing may occur. These timelines are expedited if you request a hearing regarding pending disciplinary action.

If you fail to participate in the resolution session, the district may (after 30 days) seek dismissal of your complaint. If the school district fails to convene or participate in a resolution session meeting within 15 days of receiving your complaint, you may ask a hearing officer to begin the due process timeline.

If the parents and the district are unable to resolve the due process complaint and it goes to hearing, the hearing decision is final and binding on both parties. Either party can appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[l]; EC 56505[g] and [i]; EC 56043[u])

SCHOOL DISCIPLINE AND PLACEMENT PROCEDURES FOR STUDENTS WITH DISABILITIES

Children with disabilities may be suspended or placed in other alternative interim settings or other settings to the same extent these options would be used for children without disabilities.

If a child exceeds ten days in such a placement, a meeting must be held to determine whether the child’s misconduct is caused by the disability. This meeting must take place immediately, if possible, or within ten school days of the school district’s decision to take this type of disciplinary action. (20 USC 1415[k])

As a parent, you will be invited to participate as a member of the team. The school district must provide you with a written notice of the required action. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan, as necessary. If the team concludes that the misconduct was not a manifestation of your child’s disability, the school district might take disciplinary action, such as expulsion, in the same manner as it would for a child without disabilities.

If you disagree with the team’s decision, you may request an expedited due process hearing from the Office of Administrative Hearing. (20 USC 1415[k])

Placement in an Interim Alternative Educational Setting

Under Federal law, a school district may place a child in an appropriate interim alternative placement for up to forty-five school days under certain circumstances. Those circumstances are when the child has a weapon, or has knowingly possessed or used illegal drugs or sold controlled substances at school or a school function, or has inflicted serious bodily injury upon another person. (20 USC 1415[k])

If you request a hearing or an appeal regarding disciplinary action or manifestation determination, your child will stay in the interim alternative setting or disciplinary
setting unless the maximum time for that setting is reached, or the parents and school district agree to another placement. *(34 CFR 300.526)*

Alternative educational settings, when permissible, must allow the child to continue to participate in the general curriculum and receive services designed to address the behavior so it does not recur. *(20 USC 1415[k])*

**CHILDREN ATTENDING PRIVATE SCHOOL**

The school district is responsible for the full cost of special education in a nonpublic, nonsectarian school, when the school district, together with the IEP Team, recommends that this would be the appropriate placement for the student. *(20 USC[a][10][B]; CFR 300.401; CFR 300.349[c]; EC 56361)*

**Observation of Your Child at a Nonpublic School**

If you unilaterally place your child in a nonpublic school and you propose the placement in the nonpublic school to be publicly financed, the school district must be given the opportunity to first observe the proposed placement and your child in the proposed placement. The school district may not observe or assess any other child at the nonpublic school without permission from the other child’s parent or guardian. *(EC 56329(d))*

**Unilateral Parent Placement in Nonpublic or Private School**

If you unilaterally place the student in a private or nonpublic, nonsectarian school without district consent or referral of a court or hearing officer, the district may only be required to reimburse the parents if their child received special education and related services under the authority of a public agency before enrolling in the private school and the court or hearing officer finds that the school district did not make a free and appropriate education available in a timely manner.

A court or hearing officer may not reduce or deny reimbursement to you if you failed to notify the school district for any of the following reasons:

- Illiteracy and inability to write;
- Giving notice would likely result in physical or serious emotional harm to the child;
- The school prevented you from giving notice; or
- You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of this notice requirement. *(20 USC 1412[a]; 34 CFR 300.403)*

The court or hearing office may reduce or deny reimbursement if you did not make your child available for an assessment upon written notice from the school district. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district and did not give notice of your concerns and intent to enroll your child in a private school at public expense.
Notifying the District
You must notify the district of your intent to place your child in a private school:
   · At the most recent IEP meeting you attended before removing your child from the public school; or
   · In writing to the school district at least ten business days (including holidays) before removing your child from the public school. (20 USC 1412[a]; 34 CFR 300.403)

The district is not obligated to offer a free appropriate public education to a child whose parent(s) have voluntarily enrolled that child in a private school. In such cases, the district will propose an Individual Services Plan for Private School Students. (20 USC 1412(a)(10)(A)(I))

COMPLAINT PROCEDURES

State Appeal Process
Note: Complaint procedures in this section are related specifically to the California State Appeal Process and are not the same as the due process complaint procedures covered earlier in this document.

If you wish to file a complaint with the California Department of Education, you should submit your complaint in writing to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street Suite 2401
Sacramento, California  95814
Attn: PSRS Intake

Within 60 days after a complaint is filed, the California Dept. of Education will: carry out an independent investigation, give the complainant an opportunity to provide additional information, review all information and make a determination as to whether the LEA has violated laws or regulations and issue a written decision that addresses each allegation.

For complaints involving issues not covered by IDEA, consult your district’s Uniform Complaint Procedures.

The District would like to work with you to resolve all complaints at the local level whenever possible. We invite you to meet with the administrator who has been designated to work with compliance issues and attempt to resolve your concern informally before a complaint is filed. S/he will maintain confidentiality as permitted by law. If your complaint cannot be resolved, a formal investigation will be initiated or you will be referred to the appropriate agency for assistance.
District Contact Information

Please contact the Special Education Administrator for your school district if you:

- Would like additional copies of the Notice of Procedural Safeguards
- Need assistance in understanding the provisions of your rights and safeguards
- Require a translation orally, by other means, in a different language or other mode of communication
Notice of Parent and Student Rights Under Section 504, the Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits major life activities such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. It is the purpose of this notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

1. You have the right to be informed by the school district of your rights under Section 504. (The purpose of this notice form is to advise you of those rights.) (34 CFR 104.32)

2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

3. Your child has the right to free educational services except for those fees that are imposed on nondisabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. (34 CFR 104.33)

4. Your child has a right to placement in the least restrictive environment. (34 CFR 104.34)

5. Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. (34 CFR 104.34)

6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 CFR 104.35)
7. Testing and other evaluation procedures must conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and TEAMS/TAAS scores. (34 CFR 104.35)

8. Placement decision must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 CFR 104.35)

9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three (3) years. (34 CFR 104.35)

10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. (34 CFR 104.36)

11. You have the right to examine relevant records. (34 CFR 104.36)

12. You have the right to an impartial hearing with respect to the district’s actions regarding your child’s identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 CFR 104.36)

13. If you wish to challenge the actions of the district’s Section 504 Committee in regard to your child’s identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district’s Section 504 Coordinator within thirty (30) days from the time you received written notice of the Section 504 Committee’s action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.

14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. (34 CFR 104.36)

15. On Section 504 matters other than your child’s identification, evaluation, and placement, you have a right to file a complaint with the district’s Section 504 Coordinator (or designee).

16. You also have a right to file a complaint with the Office of Civil Rights, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.