

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

DEAR PARENT/GUARDIAN:

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

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

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

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

Hazing Prohibition (EC§ 32051): Prohibits pupils or other persons in attendance from conspiring to engage in hazing.

Sexual Harassment Policy (EC§ 231.5; 5CCR§ 4917): Each district shall have a written policy on sexual harassment. Districts are also required to display the policy in a prominent location and include in orientation for employees and students. (see page 7)

Dress Code/Gang Apparel (EC§ 35183): Authorizes district to adopt reasonable dress code. (Board Policy 5029)

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

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

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

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

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

**CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM (HSC §124100 and §124105):** Parents of kindergarten and first grade children must have a physical examination for first grade enrollment. Free health screening is available through the local health department. Exclusion from school will occur for failure to comply or sign a waiver.

**RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS (EC§ 32255-32255.6):** Pupils may choose to refrain from participating in educational projects involving the harmful or destructive use of animals.

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

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

**MEDICATION (EC§ 49423):** Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician and a parental request for assistance in administering the medications.

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

**ATTENDANCE – Sections pertaining to school attendance:**

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

Interdistrict Attendance (EC§ 46600): Authorizes two or more districts to enter into agreement up to five years.

Residency Based on Parent Employment (EC§ 48204(f)): Authorizes districts to allow elementary pupils to establish residency if parent or guardian is employed within boundary of district.

Excused Absence (EC§ 48205): State law permits students to be absent for justifiable reasons. The District allows for completion of missed assignments. (See Board Policy 5006 at [www.delmarschools.com](http://www.delmarschools.com))

Religious Instruction (EC §46014): Pupils attendance shall be considered excused absences when absent for religious instruction only if the student attends at least the minimum school day, is excused for no more than 4 school days per month and the principal has received prior written consent from the parent or guardian. (Board Policy 6020.)

Attendance Options (EC 48980j): The District annually and after any boundary change notices all parents of current statutory attendance options and available local attendance options. A copy is available from the school principal, or see [www.delmarschools.com](http://www.delmarschools.com). (Board policy 5010.)

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

**ATTENDANCE OF SUSPENDED PUPIL'S PARENT OR GUARDIAN (EC§ 48900.1):** If a teacher suspends a pupil, the teacher may require the child's parent to attend a portion of the school day in his or her child's classes. Employers may not discriminate against parents who are required to comply with this requirement.

**GRADE REDUCTION / LOSS OF ACADEMIC CREDIT (EC§ 48980(1)):** No pupil shall have his/her grade reduced or lose academic credit for any excused absence pursuant to EC§ 48205 for missed assignments / tests that can reasonably be provided / completed. Requires full text of 48205 to be included with the annual notification to parents.

**PRESENCE OF PUPIL WITH TEMPORARY DISABILITY IN HOSPITAL (EC§ 48207- 48208):** The parent or guardian of a pupil hospitalized or with a temporary disability shall notify the school district where the pupil is receiving care and if an individual instruction program is desired.

**PUPILS WITH TEMPORARY DISABILITIES; INDIVIDUAL INSTRUCTION (EC§ 48206.3):** Requires districts to notify parents of availability of individualized instruction (home/hospital) for students with temporary disabilities. Also, to inform parents of responsibility to notify district where hospital is located (EC 48208) where the temporary disabled student is receiving adequate notice.

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

**CHILD ABUSE PREVENTION PROGRAM (WIC 18976.5):** Parents have the right to refuse their pupil's participation in a child abuse primary prevention program.

**INSTRUCTION ON AIDS AND PREVENTION (EC§ 51550):** Parents are notified in writing prior to any instruction or class in which human reproductive organs and their function or processes are described, illustrated, or discussed. Materials to be used may be reviewed prior to instruction.

**HEALTH, FAMILY LIFE, AND SEX EDUCATION: CONFLICT WITH RELIGIOUS BELIEFS (EC§ 51240):** Whenever any part of the instruction in health, family life, or sex education conflicts with religious training and beliefs or personal moral convictions of the parent or guardian, the student shall be excused from that part of the instruction upon written parental request. The Education Code requires all public schools that teach sex education courses that discuss sexual intercourse to include the provisions of Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.

**SEX EDUCATION INSTRUCTION:** Requires district to notify parents, in writing, prior to any instruction in which human reproductive organs and their functions and processes are described, illustrated, or discussed, and the right of parents to inspect and review materials to be used. Opportunity for parent to request, in writing, that child not attend instruction should also be included. For appropriate grade levels, notice to parents is sent in the spring.

**INSTRUCTION: SEXUALLY TRANSMITTED DISEASES; AIDS (EC§ 51554) (EC§ 51938) (EC§ 51550.5)** Parents to be properly notified of proposed instruction on AIDS, sexually transmitted diseases, human sexuality or family life. No instruction without notification.

Instruction: Sexually transmitted diseases: (Kindergarten, Grades 1-6) Requires district to notify parents, in writing prior to instruction. Students are excused from such instruction upon parent request.

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

**STATEMENT OF NONDISCRIMINATION:** The district has a policy of nondiscrimination on the basis of race, sex, color, creed, handicap, national origin or ancestry. This policy applies to all students insofar as participation in programs and activities is concerned. In accordance with federal law (Section 504), complaints alleging noncompliance with this policy should be directed to the school principal. This nondiscrimination policy is on file at the district office. Appeals may be made to the district superintendent or 504 Coordinator.

**NOTIFICATION OF PRIVACY RIGHTS OF PARENTS AND STUDENTS (EC§ 49073):** Federal and State laws grant certain rights of privacy and right of access to students and to their parents. (Release of Pupil Directory Information)

Full access to all personally identifiable written records maintained by the school district must be granted to:

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

Parents, or an eligible student, may review individual records by making a request to the principal. The principal will see that explanation and interpretations are provided if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request. In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page. District policies and procedures relating to: location of, and types of, records; kinds of information retained; persons responsible for records; directory information; access by other persons; review; and challenge of records are available through the principal in each school. When a student moves to a new district, records will be forwarded upon the request of the new school district. At the time of transfer the parent (or eligible student) may review, receive a copy (at a reasonable fee), and/or challenge the records.

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

The district also makes student *directory information* available in accordance with state and federal laws. This means that each student's name, birth date, birthplace, address, telephone number, major course of study, participation in school activities, dates of attendance, awards, and previous school attendance may be released in accordance with board policy. In addition, height and weight of athletes may be made available. Appropriate directory information may be provided to any agency or person except private, profit-making organizations (other than employers, potential employers, or news media). Names and addresses of seniors or terminating students may be given to public or private schools and colleges, parents and eligible students will be notified prior to the destruction of any special education records.

*Upon written request from the parent of a student age 17 or younger, the district will withhold directory information about the student. If the student is 18 or older or enrolled in an institution of postsecondary instruction and makes written request, the pupil's request to deny access to directory information will be honored. Requests must be submitted within 30 calendar days of the receipt of this notification.*

**SPECIAL EDUCATION; CHILD FIND SYSTEM (EC§ 56301):** Any parent suspecting a child has exceptional needs (handicapped) may request an assessment for eligibility for special education services through the school principal. Policy and procedure to include written notification to all parents of their rights pursuant to EC§ 56300.

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

**UNIFORM COMPLAINT PROCEDURES (SCCR§ 4622):** Requires annual written notification to pupils, employees, parents, district advisory committee, school advisory committees, and other interested parties of district Uniform Complaint Procedures. (see page 15)

**PUPIL RECORDS; NOTIFICATION OF RIGHTS (FERPA EC§ 49063):** Requires district to annually inform parents or "eligible" pupils of their rights concerning pupil records. (See Board Policy § 5011 available from school principal.)

**SPECIAL EDUCATION (IDEA):** Free and appropriate education in the least restrictive environment will be offered to eligible disabled pupils.

**Child Find:** The North Coastal Consortium of Special Education of which the district is a member shall annually publish and distribute information to the general public about how to access special education programs and services through the local school district. Child Find activities will also be coordinated with community agencies, the San Diego County Office of Education, and the California State Department of Education (birth-21 years). The district also provides annual notice to parents of school age children of how to access special education programs and services and the procedure for initiating a referral for possible identification of individuals with exceptional needs (see Pupil Services information at [www.delmarschools.com](http://www.delmarschools.com)).

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

**SCHOOL ACCOUNTABILITY REPORT CARD (EC§ 35256):** Districts are to make a concerted effort to notify parents of purpose of school accountability report cards, ensure that all parents receive a copy of the report cards.

**COMPREHENSIVE SCHOOL SAFETY PLAN (EC§ 35294.6):** Each school is required to report on the status of its school safety plan, including a description of its key elements, in the annual school accountability report card. A new mandatory component of the school safety plan is a discrimination and harassment policy.

**SCHOOL SAFETY PLAN (EC§ 35294.8):** Planning committee is required to hold a public meeting to allow members of the public the opportunity to express an opinion about the school plan. Planning committee to notify in writing specified persons and entities.

**Notice of Compliance (EC§ 35294(c)):** District to notify State Department of Education by October 15<sup>th</sup> of schools that are not in compliance with safety plans which must include a discrimination and harassment policy.

**School Buses: Passenger Safety (EC§ 39831.5):** Requires safety regulations to be provided to all new students.

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

**USE OF PESTICIDES (EC§ 48980.3):** School districts shall inform parents or guardians about the use of pesticides on school grounds as part of the annual parent notice (see attached pages 14, 15, 16).

**NOTICE OF ALTERNATIVE SCHOOLS (EC§ 58501):** California State law authorizes all school districts to provide for alternative schools.

The Education Code defines alternative school as a school or separate class group within a school, which is operated in a manner designed to:

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

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

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

**INTERNET ACCESS AND ON-LINE SITES (EC §48980 D):** Parents are notified in writing that students will have access to the internet. All parents received a written notice of the rules for Internet use. These rules are available at [www.delmarschools.com](http://www.delmarschools.com). (Board Policy 6017).

**PERSISTENTLY DANGEROUS SCHOOLS** – Parents/guardians shall be notified of elementary and/or secondary schools considered to be "persistently dangerous" pursuant to California Department of Education guidelines and of available options.

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

**STRICT PROHIBITIONS AGAINST TOBACCO, ALCOHOL AND OTHER DRUG USE (EC §48900, §48901, §48911, §48915):** Any student found in possession or under the influence of alcohol and/or other drugs will be suspended for five (5) days and/or expelled. Any student found selling any controlled substance on or near any Del Mar Union School District campus will be referred to an Administrative Hearing Panel for expulsion (Board Policy 5013). All Del Mar Union School District school campuses have been designated tobacco-free (Board Policy 5024). Violations of this tobacco-free policy could result in suspension/expulsion.

**STRICT PROHIBITIONS AGAINST WEAPONS AND VIOLENCE (EC §48915 (c)):** The following conduct is strictly prohibited for any pupil:

1. Possession, selling or otherwise furnishing a firearm (AB 49 Zero Tolerance Chapter 95-973).
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code section 11053 et.seq.
4. Committing or attempting to commit a sexual assault or sexual battery.

Any pupil found to be in violation of these offenses will be suspended for five days and recommended for expulsion (Board Policies 5013).

**SEXUAL HARASSMENT (EC §231.5):** Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. The Board prohibits sexual harassment where such act is related to any school activity or school attendance. The District will take appropriate disciplinary action against all employees or pupils found to have engaged in sexual harassment.

Forms of sexual harassment include but are not limited to the following:

1. Oral harassment such as derogatory comments, jokes or slurs;
2. Physical harassment such as unnecessary, unwelcome or offensive touching, or impeding or blocking movement;
3. Visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, or gestures; and
4. Unwelcome sexual advances, requests, or demands for sexual favors, and other oral or physical conduct of a sexual nature.

Any pupil wishing to make a complaint of sexual harassment should immediately report it to the principal, the principal's designee, or the superintendent's designee. A pupil making a complaint of sexual harassment shall not suffer any reprisal for doing so. The District will promptly and thoroughly investigate all complaints of sexual harassment and take immediate and appropriate action to resolve such complaints.

Copies of the complete Board Policy 5001,4003 and 4003.1 are available at each school site. (EC.48980h)

**“MEGAN’S LAW” SEX OFFENDER NOTIFICATION:** Information about registered sex offenders as required by “Megan’s Law” is provided by the Department of Justice to local law enforcement agencies. Parents requesting information must contact local law enforcement and are responsible for their child’s safe transit to and from school.