Dear Parent/Guardian:
California Education Code section 48980 requires that, at the beginning of the school year, the Board of trustees of each school district must notify parents/guardians of their rights or responsibilities under certain provisions of the Education Code. Other provisions of California and United States law also require notification of parents/guardians.

Education Code section 48982 requires acknowledgement of being informed which is performed by physically or electronically signing the parent acknowledgement notice as an acknowledgement that you have received the notice as part of the Montecito Union School District data confirmation process and have been informed of your rights, but the signature does not indicate that consent to participate in any particular program has been either given or withheld.

California and federal law requires certain other notices in the event that specific circumstances should arise, affecting your child’s education and attendance at school. If any such circumstances should arise, the District will provide notice as required by law.


PUPIL DISCIPLINE

RULES PERTAINING TO PUPIL DISCIPLINE (EC §§35291,48980): The Board of Trustees has prescribed rules for the government and discipline of the schools under the Board’s jurisdiction. Rules pertaining to pupil discipline are available with the school principal.

DUTY CONCERNING CONDUCT OF PUPILS (EC §44807): Every District teacher has a responsibility to hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

DUTIES OF PUPILS (EC §48908, 5 CCR §300): Every pupil must attend punctually and regularly, conform to the regulations of the school, obey promptly all the directions of his/her teacher and others in authority, observe good order and propriety of deportment, be diligent in study, be respectful to his/her teacher and others in authority, be kind and courteous to schoolmates, and refrain entirely from the use of profane and vulgar language.

DRESS CODE (EC §§35183, 35183.5, 51101): The Board of Trustees has approved a dress code policy adopted by your child’s school. A copy of the dress code is available at the school office.

ATTENDANCE OF SUSPENDED CHILD’S PARENT/GUARDIAN (EC §48900.1,LC §230.7): The Board of Trustees has adopted a policy authorizing teachers to require the parent/guardian of a pupil who has been suspended by a teacher, to attend a portion of a school day in the child’s classroom. No employer may dismiss or in any manner discriminate against an employee for taking time off from work to comply with this requirement.

DISRUPTIONS (EC §44050): A written copy of the district’s section on employee interactions with pupils in its code of conduct is attached to this notice. Please refer to Attachment #1.

PUPIL RECORDS

RIGHTS OF PARENTS/GUARDIANS (EC §49063 et seq.):
• **Types of Pupil Records:** A pupil record is any item of information directly related to an identifiable pupil, other than directory information, which is maintained by the District or required to be maintained by a District employee in the performance of his/her duties, whether recorded by handwriting, print, tapes, film, microfilm or other means. Pupil records include a pupil's health record.
• **Responsible Officials:** Your child's Principal is responsible for the maintenance of pupil records located at the school's office.
• **Location of log/Record:** The law requires that a log or record be maintained for each pupil's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests therefore. For records, the log is located in the school office.
• **School Officials and Employees/legitimate Educational Interests:** School officials and employees who are authorized to review pupil records are school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, certificated employee, or support staff member (including, but not limited to, paraeducator, health or medical staff and school law enforcement personnel); a person serving on the school board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, educational consultant or therapist); an agency caseworker of a state or local child welfare agency that has legal responsibility for the care and protection of a
pupil, other public agencies providing services to pupils, as well as employees of other public schools or school systems where educational programs leading to high school graduation are provided or where a District pupil intends to or is directed to enroll; a minor's counsel of record. Access to pupil records is permitted only for records that are relevant to the legitimate educational interests of the requester. Upon request, the District discloses educational records without consent to officials of another school district in which the pupil seeks or intends to enroll. Legitimate educational interests are described in California Education Code section 49076.

- **Right of Access and Review/Expungement:** You have an absolute right to access to any and all pupil records related to your child, which are maintained in the school office. If you wish to review records, please contact the school office, or submit a written request that identifies the record(s) you wish to inspect. If you wish to review records please contact the school office. The Principal or District office has five (5) business days from the day of the receipt of a request to provide access to the records. Upon satisfactory completion of the rehabilitation assignment of a pupil whose expulsion has been suspended by the Board of Trustees, the Board may order the expungement of any or all records of the expulsion proceedings. If the Santa Barbara County Education Office enters an order reversing the decision of the Board of Trustees to expel a pupil, the Santa Barbara County Board may direct the Board of Trustees to expunge the record of the pupil and records of the District of any references to the expulsion action. When you submit a written revocation of consent after the initial provision of special education and related services for your child, the District is not required to amend the education records of your child to remove any reference to your child's receipt of special education and services.

- **Challenging the Content of Records:** You have the right to challenge the content of any pupil record by filing a written request with the Superintendent to correct or remove any information recorded in the written records concerning your child which you allege to be any of the following: (1) inaccurate, (2) an unsubstantiated personal conclusion or inference, (3) a conclusion or inference outside the observer's area of competence, (4) not based on the personal observation of a named person with the time and place of the observation noted, (5) misleading, or (6) in violation of the privacy or other rights of the pupil.

- **Copying Costs:** You may receive copies of your child's pupil records, at a cost of $.20 cents per page.

- **Transfer of Records:** The District is required to transfer a copy of your child's permanent pupil records within 10 schooldays to the school your child intends to enroll.

- **Complaints:** You have the right to file a complaint with the United States Department of Education, concerning an alleged failure by the District to comply with the provisions of the United States Family Educational Rights and Privacy Act (20 USC §1232g).

- **Statement or Response to Disciplinary Actions:** Whenever information is included in a pupil record concerning any disciplinary action taken in connection with your child, you have the right to include a written statement or response concerning the disciplinary action in your child's pupil record.

- **Deletion of Pupil Records:** The Board of Trustees is required to retain indefinitely the original or an exact copy of mandatory permanent pupil records (Class 1 - Permanent Records) which schools have been directed to compile by California regulations; maintain for stipulated periods of time mandatory interim pupil records (Class 2 - Optional Records) until the information is no longer needed to provide educational services to a child and are retained until reclassified as Class 3 - Disposable Records, and then destroyed as per California regulations (5 CCR 432). Prior to destroying pupil records of a child who has received special education services, the IDEA requires parental notification when the District decides that personally identifiable information is no longer needed to provide educational services to a child. Once parents/guardians have been notified that personally identifiable information is no longer needed, they have the option of requesting access to and/or copies of pupil records prior to destruction, and to request that pupil records be destroyed, unless the District determines that the information could be needed to provide educational services in the future or is needed for auditing purposes (34 CFR 300.624, 5 CCR 16026). Unless classified as permanent records, all other pupil records are destroyed five years after the information is no longer needed to provide educational services (5 CCR 16027).

- **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ("FERPA" 20 USC §1232g):** United States law set forth in FERPA grants parents certain rights with respect to their student's records. Please refer to Attachment #2 for Model FERPA Notice.

**HEALTH AND SAFETY**

**HEALTH SCREENING AND EVALUATION SERVICES (H&SC §124085):** Within 90 days after your child's entrance into first grade, you must provide a certificate documenting that within the prior 18 months your child has received appropriate health screening and evaluation services, including a physical examination. These services are available from the Santa Barbara County Public Health Department. In lieu of the certificate, you may submit a signed waiver indicating that you do not want or are unable to obtain the health screening and evaluation services for your child. If the waiver indicates that you were unable to obtain the services, then the reasons why should be included in the waiver.

**REFUSAL TO CONSENT TO PHYSICAL EXAMINATION (EC §§49451, 48980):** You may file a written statement with the school nurse, stating that you will not consent to a physical examination of your child. However, whenever there is good reason to believe that the child is suffering from a recognized contagious or infectious disease, the child shall be sent home and shall not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist.

**CONTINUED MEDICATION REGIMEN FOR nonepisodic condition (EC §49480):** If your child is on a continuing medication regimen for a nonepisodic condition, you are required to inform the school nurse or other designated certificated school employee of: (1) the medication being taken, (2) the current dosage, and (3) the name of the supervising physician. With your consent, the school nurse may communicate with your child's physician and may counsel with school personnel regarding the possible effects of the drug on your child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. To obtain a Request for Medication Administration, please contact the nurse's office.

**ADMINISTRATION OF IMMUNIZING AGENTS (EC §§49403, 48980):** The Board of Trustees may permit any person licensed as a physician and surgeon, any person licensed as a registered nurse, or other licensed healthcare practitioners acting under the direction of a supervising physician and surgeon, to administer an immunizing agent to a pupil. You have the right to consent in writing to the administration of an immunizing agent to your child.

**ADMINISTRATION OF PRESCRIBED MEDICATION (EC §§49423, 48980):** If your child is required to take prescription medication during the regular school day, you may request assistance for your child by the school nurse or other designated school personnel. If you wish such assistance, you must provide both a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and your own written statement indicating your desire that the school assist your child in the matters set forth in the physician's statement. Your child may also carry and self-administer prescription auto-injectable epinephrine if the District receives written statements from you and the child's physician, in the form required by law.
Tobacco-Free Campus Policy (H&SC §104420): The Board of Trustees has adopted and enforces a tobacco-free campus policy. The policy prohibits the use of tobacco products, at any time, in District-owned or leased buildings, on District property and in District vehicles.

Medical and Hospital Services Not Provided (EC §§49471, 48980): The Board of Trustees does not provide or make available medical and hospital services for pupils who are injured while participating in athletic activities.

Instruction for Pupils with Temporary Disabilities (EC §§48206.3, 48980): If your child should suffer a temporary disability, verified by a written physician's note which makes attendance in regular day classes or an alternative education program in which the child is enrolled impossible or inadvisable, your child shall receive individual instruction. Individual instruction includes instruction provided in your home, in a hospital or other residential health facility, excluding state hospitals, or under other circumstances prescribed by state law.

Pupils with Temporary Disabilities (EC §§48207, 48208, 48980): In the event that your child has a temporary disability and is confined in a hospital or other residential health facility located outside this District, you shall be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located. In such circumstances, it is your responsibility to notify the school district in which you are deemed to reside of your child's presence in a qualifying hospital.

Section 504 Plan: The District is committed to complying with Section 504 of the Rehabilitation Act of 1973. Under Section 504, a disability is defined as a physical or mental impairment, which substantially limits one or more major life activities, such as (but not limited to) self-care, walking, seeing, hearing, speaking or learning. Every pupil with a 504 eligible disability is offered a free appropriate education without discrimination regardless of the nature or severity of the disability. In order to educate children who are disabled in the least restrictive environment, the District will make needed accommodations. The accommodations for a pupil eligible under Section 504 may include the assistance of supplementary aides and services or special education placement and services.

Mental Health Services: The District has implemented a school-based mental health program for youth across the district. Services include, but not limited to, assessment of social/emotional needs, individual counseling (e.g., teaching stress, coping or anger management skills) and group work (e.g., life skills or grief/loss.) Services also include crisis response and linking youth and families to community-based mental health or social services. Services are provided by licensed mental health professionals who are district-based. Services are provided in school sites throughout the district. Our work involves working closely with youth; parents and staff to ensure students are able to meet their academic goals.

Free and Reduced Price Meals (EC §§49510, et seq., 48980): Depending on annual household income, your child may be eligible for free or reduced priced meals. The school office may be contacted for further information.

Notification of Pesticide Use (EC §§17611.5, 17612, 48980.3): A copy of the school's integrated pest management plan is posted on the District's website. Please refer to Attachment #3 for a list of all pesticide products expected to be applied at your child's school during the upcoming year.

Asbestos Management Plan (40 CFR §763.93): The District's updated asbestos management plan for the school is available in the District Office.

Security Cameras: The Montecito Union School District is committed to providing safe and secure school sites for all our pupils and staff. We regularly video record our school sites both during the school day and after hours and on weekends. To effectuate the District's goals to ensure the health and safety of all pupils and staff, and to protect school property, the District has installed digital security cameras systems on all of our school sites. The systems do not monitor classrooms or other pupil and teaching support areas but concentrate on entry and exit areas and other areas of the school sites that are subject to damage, graffiti or the unauthorized entry of persons or groups.

We are working closely with local law enforcement agencies to assist us in managing these cameras and the video/feed images. All cameras are installed in easily seen locations and there are no "hidden" cameras. Only authorized law enforcement personnel have access to the feed/images. Such video feed/images are not contained in an individual pupil's educational record, and thus are not subject to a request for educational records unless such video/image is the sole basis upon which discipline is issued for that pupil.

Attendance

Statutory Attendance Options (EC §48980): The Board of Trustees recognizes the basic principle that students should attend schools in the district in which they reside; therefore, the primary residence of children attending the district shall fall within the boundaries of Montecito Union School District (Education Code 48201). Primary residence is defined as the person's permanent residence and the place where the child physically resides for majority of the days of the week, during the time school is in session, including overnight residency. Please refer to Attachment #4 on District Residency and the Open Enrollment Act – Romero Bill Transfers.

Excused Absences (EC §§48205, 48980): Your child may be excused from school when the absence is for medical or justifiable personal reasons. Your child will be allowed to complete all assignments and tests missed during such an excused absence. Please refer to Attachment #5.

Grade Reduction/Loss of Academic Credit (EC §§48205, 48980): Your child may not have his/her grade reduced or lose academic credit for any absence or absences excused under Education Code section 48205, when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

Absences for Religious Purposes (EC §§46014, 48980): With your written consent, your child may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at your child's place of worship or at other suitable place or places away from school property designated by the religious group. Your child may not be excused from school for this purpose on more than four days per school month.

Schedule of Minimum Days and Pupil-Free Staff Development Days (EC §48980): The District is required to advise all parents/guardians of the schedule of minimum days and pupil-free staff development days. Please refer to the specific school's website to access the individual school's calendar and minimum day schedule. If any minimum or pupil-free staff development days are scheduled following the distribution of this notice, the District will notify you as early as possible, but not later than one month before the scheduled minimum or pupil-free day.
STATEMENT OF NON-DISCRIMINATION (EC §§200, 220; Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, § 504 of the Rehabilitation Act of 1973): The District does not discriminate on the basis of race, color, national origin, ethnic group identification, religion, sex/gender (gender identity, gender expression) physical/mental disability or immigration status. Your child has a right to a free public education, regardless of immigration status. Please refer to Attachment #6 “Know Your Educational Rights” related to immigration. Additional resources for immigrant students and family members developed by the California Attorney General are accessible at https://oag.ca.gov/immigrant District will take steps to assure that the lack of English will not be a barrier to admission and participation in District programs. Complaints alleging noncompliance with the District’s policy of nondiscrimination should be directed to the Superintendent, of the Montecito Union School District. A copy of the District’s nondiscrimination policy is available from the District office.

SEXUAL HARASSMENT POLICY (EC §§231.5, 48980; 5 CCR §4917): The District’s written sexual harassment policy is Attachment #7.

PUPILS WITH DISABILITIES

SPECIAL EDUCATION (EC §§56000 et seq.; 20 USC §1401 et seq.): Both California and United States law require that a free appropriate public education (FAPE) in the least restrictive environment (LRE) be offered to qualified pupils with disabilities. Information on pupil eligibility, procedural safeguards, and additional matters is available from the school office.

CHILD FIND (EC §§56300, 56301): The District has a duty to identify, locate and assess children with disabilities who are in need of regular or special education and related aids and services. If you believe that your child is in need of regular or special education and related aids and services, you may initiate a referral for assessment by contacting the school principal.

MISCELLANEOUS

COMPREHENSIVE SEXUAL HEALTH AND HIV/AIDS PREVENTION EDUCATION (EC §§51938, 48980): The District will provide instruction in comprehensive sexual health and HIV/AIDS prevention education and research on student health behaviors and risks for the coming school year. Written and audiovisual educational materials used in this education are available for your inspection at the Principal's office. The education will be taught by school district personnel and may be presented by outside consultants. A copy of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act is available from the Irvine Unified School District Health Services Office. You have the right to request in writing that your child shall not receive comprehensive sexual health education or HIV/AIDS prevention education. The District may administer 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 pupils’ attitudes concerning or practices relating to sex. You will be notified in writing that any such test, questionnaire or survey is to be administered, and you will be given the opportunity to review the test, questionnaire or survey and request in writing that your child not participate.

DISSECTION OR OTHERWISE HARMING OR DESTROYING ANIMALS (EC §§32255 et seq.): If your child has a moral objection to dissecting or otherwise harming or destroying animals, he/she has a right to notify the teacher regarding this objection and to refrain from participation in an education project involving the harmful or destructive use of animals which must be substantiated with a note from a parent/guardian.

CAASPP STATE EXAMS (5 CCR 852): During the spring, students in grades 3-6 will take the annual state exams. Parents may annually submit to the school a written request to excuse their child from any or all parts of the CAASPP.

SCHOOL ACCOUNTABILITY REPORT CARD (EC §§35256, 32286): The District Governing Board annually issues a School Accountability Report Card (SARC) for the school. You may obtain a copy of the SARC from the Principal’s office. The SARCs includes, but is not limited to, assessment of school conditions specified in California Education Code section 33126. The SARC also includes an annual report on the status of the safety plan for the school, including a description of its key elements.

HEALTH INSTRUCTION/CONFLICTS WITH RELIGIOUS TRAINING AND BELIEFS (EC §51240): If any part of the school’s instruction in health conflicts with your religious training and beliefs, you may submit a written request that your child be excused from the part of the instruction that conflicts with your religious training and beliefs.

UNIFORM COMPLAINT PROCEDURES (5 CCR §4622): The District has adopted policies and procedures for the filing, investigation and resolution of complaints regarding alleged violations of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination. The Uniform Complaint Procedures apply to complaints involving categorical programs and those alleging unlawful discrimination. Copies of the Uniform Complaint Procedures must be made available free of charge. The local agency is primarily responsible for compliance with federal and state laws and regulations (T5CCR 4620). The complainant has a right to appeal the local agency decision to the COE by filing a written appeal within 15 days of receiving the LEA Decision (T5CCR 4632). The complainant has a right to pursue any civil law remedies that may be available under state or federal discrimination laws, if applicable, and of the appeal pursuant to Education Code Section 262.3 (EC § 262.3, T5CCR 4622). Information on how to file a Uniform Complaint can be found at https://www.montecitou.org/Page/1299. All Uniform Complaints are to be directed to the Superintendent at (805) 969-3249 - 385 San Ysidro Road, Santa Barbara, CA 93108.

INFORMATION ON CHILD’S LEVEL OF ACHIEVEMENT: The District will provide timely information on the level of achievement of your child in each of the state academic assessments.

RIGHT TO INFORMATION REGARDING THE PROFESSIONAL QUALIFICATIONS OF TEACHERS AND PARA-PROFESSIONALS: ESSA grants parents the right to request information regarding the professional qualifications of the children's classroom teachers, including the following:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
3. 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; and
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.
This information is available from the District Office. The district will provide timely notice if your child has been assigned, or has been taught for four or more consecutive weeks by a teacher who is not highly qualified.

- **Information on Child's Level of Achievement**: The District will provide timely information on the level of achievement of your child in each of the state academic assessments.

- **Homeless Liaison**: Homeless pupils have certain rights under California and United States law. For information concerning these rights, please contact the school office. Please refer to Attachment #8.
BP 3515.2

DISRUPTIONS

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.

2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.

3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.

4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.

5. A written complaint shall include:

a. The full name of each employee involved

b. A brief but specific summary of the complaint and the facts surrounding it

c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.

8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:

   a. The full name of each employee involved

   b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response

   c. A copy of the signed original complaint

   d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons

9. The Board may uphold the Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.

11. A closed session may be held to hear the complaint in accordance with law.

   (cf. 9321 - Closed Session Purposes and Agendas)

   (cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

   Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

   (cf. 5141.4 - Child Abuse Prevention and Reporting)

Regulation MONTECITO UNION SCHOOL DISTRICT

approved: September 20, 2016 Santa Barbara, California
Model Notification of Rights for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the Montecito Union School District receives a request for access.

Parents or eligible students who wish to inspect their child’s or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records 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.

2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask Montecito Union School to amend their child’s or their education record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. 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 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.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from 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. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the
use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically 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 or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] 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
The Healthy Schools Act of 2000 requires all California school districts to notify parents and guardians of pesticides they expect to be applied during the year. This notice details the pest control products that *may* be used on campus during this school year.

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<tr>
<th>PRODUCT NAME</th>
<th>ACTIVE INGREDIENTS</th>
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<tr>
<td>Advion Ant Gel</td>
<td>Indoxacarb</td>
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<tr>
<td>Arilon</td>
<td>Indoxacarb</td>
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<tr>
<td>Cheetah-Subterranean Rodent Rodent Control Device</td>
<td>Carbon Monoxide</td>
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<tr>
<td>D-Fense SC Insecticide</td>
<td>Deltamethrin</td>
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<tr>
<td>EcoSmart Organic Wasp &amp; Hornet Killer</td>
<td>Peppermint oil; 2-Phenethyl Propionate</td>
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<tr>
<td>Giant Destroyer</td>
<td>Sodium Nitrate; Sulfur; Charcoal</td>
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<tr>
<td>MKG Repellant 326</td>
<td>Di-n-propyl isocinchomeronate</td>
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<td>Permethrin SFR</td>
<td>Permethrin</td>
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<td>Phantom</td>
<td>Chlorfenapyr</td>
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<td>Termidor SC</td>
<td>Fipronil</td>
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<tr>
<td>Vendetta Plus Roach Gel Bait</td>
<td>Abamectin B1, Pyriproxyfen</td>
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You can find more information regarding these pesticides and pesticide use reduction at the Department of Pesticide Regulation’s Web site at http://www.cdpr.ca.gov.

If you wish to receive notification of individual pesticide applications at the school or if you have any questions, please contact:
The Governing Board recognizes the basic principle that students should attend schools in the district in which they reside; therefore, the primary residence of children attending the district shall fall within the boundaries of Montecito Union School District (Education Code 48201).

Primary residence is defined as the person's permanent residence and the place where the child physically resides for majority of the days of the week, during the time school is in session, including overnight residency.

Criteria for Residency

Prior to admission in the district school, students shall provide proof of residency.

(cf. 5111 - Admission)

A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. A child is eligible to attend the district school if his/her primary residence is with his/her custodial parent or care-giving adult whose primary residence falls within the boundaries of the district. (Education Code 48200)

   The address of the custodial parent or care-giving adult must be the primary residence and where the parent or care-giving adult physically resides for a majority of the time.

   In the event that the physical custody of a child is shared on a 50/50 basis by the child's parents who are separated or divorced, the child is eligible to attend the district school if the primary residence of one of the parents is in the district and the child resides at least 50 percent of the time at that address. In such case, the district shall require a copy of the written custody order executed by the court, in addition to other proof of residence required by the district.

   If the parents are separated, unmarried, or share legal custody only, the child may attend the district school only after the custodial parent provides the required proof that primary residence of the child is determined to be with the custodial parent whose primary residence, as defined in this policy, is in the district.

   If the parents are unmarried and the child's primary residence is with the parent whose primary residence is in the district, proof of maternity/paternity must be submitted to the district in the form of a birth certificate or judgment of paternity or other adequate documentation, along with the required proof of residency.

   (cf. 5111.13 - Residency for Homeless Children)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student has been admitted through the district's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a care-giving adult within district boundaries. (Education Code 48204)

(cf. 5111.11 - Residency of Students with Caregiver)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is an elementary school student whose parent/guardian is employed within district boundaries. However, the district is not required to admit students for this reason. (Education Code 48204)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

8. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

9. The parent/guardian of the child is a full-time on-site employee employed by the school district or a full-time certificated staff member from the Santa Barbara County Office of Education assigned to the school district.

(cf. 6183 - Home and Hospital Instruction)

Proof of Residency

Documentation indicating that the primary residency of the child is within the boundaries of the district must be presented to school officials prior to the child's official enrollment and attendance at the school. Children will be assigned to a classroom only after being officially enrolled.

Proof of residency documentation and the signed affidavit shall be provided to school officials on an annual basis or multiple times identified throughout the year for month-to-month leases and affidavits. The school will retain a copy of the documentation.

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipt
2. Rent payment receipts
3. Utility service payment receipt (electric, gas, water)
4. Declaration of residency executed by the student's parent/guardian

The custodial parent or care-giving adult shall execute an affidavit provided by the district that indicates that the child is a bona fide resident at the custodial parent's or caregiver's address. If it is determined that the affidavit, at the time of execution, was signed under false pretenses, a referral shall be made by school officials to the district attorney's office for investigation and potential prosecution.
When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

cf. 3580 - District Records

cf. 5125 - Student Records

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student meets legal residency requirements.

**Revocation of Enrollment**

If the Superintendent or designee, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within 10 school days, to appeal the decision to the Board to inspect supporting documents, rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the Board may extend the meeting date for an additional 10 days to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked 11 school days after the date of the notice.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. The Board's decision shall be final.

**Legal Reference:**

EDUCATION CODE

220 Prohibition of discrimination

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.2 Evidence of residency

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers
48645.5 Former juvenile court school students, enrollment
48852.7 Education of homeless students; immediate enrollment
48853.5 Education of foster youth; immediate enrollment
48980 Notifications at beginning of term
52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE
6550-6552 Caregivers

GOVERNMENT CODE
6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5
432 Retention of student records

UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
0303.95 Verification of residency, LO: 1-95

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Dear Colleague Letter, May 6, 2011

WEB SITES
California Department of Education: http://www.cde.ca.gov
California Secretary of State, Safe at Home Program: http://www.sos.ca.gov/safeathome
Office for Civil Rights, U.S. Department of Education: http://www2.ed.gov/about/offices/list/ocr
Policy MONTECITO UNION SCHOOL DISTRICT
adopted: October 17, 2017 Santa Barbara, California
District Residency

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

Criteria for Residency

A student shall be deemed to have complied with district residency requirements if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
   
   (cf. 5111.13 - Residency for Homeless Children)
   
   (cf. 6173 - Education for Homeless Children)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

   (cf. 6173.1 - Education for Foster Youth)

3. The student has been admitted through the district's interdistrict attendance program. (Education Code 48204)

   (cf. 5117 - Interdistrict Attendance)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a caregiving adult within district boundaries. (Education Code 48204)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

   (cf. 6183 - Home and Hospital Instruction)

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance.

   (cf. 5145.6 - Parental Notifications)

Proof of Residency

Prior to admission in the district school, students shall provide proof of residency.
The Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

Upon enrollment of a student residing in the home of a caregiving adult within district boundaries, the caregiving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552. (cf. 5141 - Health Care and Emergencies)

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts
2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine that the student meets legal residency requirements.

Safe at Home Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries. The Superintendent or designee shall not include the actual address in the student's file or any other public record and shall instead use the substitute address for all future communications and correspondence. (Government Code 6206, 6207)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools
48050-48054 Nonresidents
48200-48208 Persons included (compulsory education law)
48980 Notification of parent or guardian
52317 ROP, admission of persons including nonresidents to attendance area
FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6211 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

UNCODIFIED STATUTES

AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS


Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

WEB SITES

California Department of Education: http://www.cde.ca.gov
California Secretary of State, Safe at Home Program: http://www.ss.ca.gov/safeathome

Regulation MONTECITO UNION SCHOOL DISTRICT

approved: February 20, 2007 Santa Barbara, California
Open Enrollment Act - Romero Bill Transfers

The Open Enrollment Act ("Romero Bill") allows students attending a school designated by the California Superintendent of Public Instruction as a "low-achieving school" to submit an application for enrollment in another higher performing school. Interdistrict and intradistrict transfer requests made pursuant to the Open Enrollment Act ("Romero Bill transfers") shall only be approved by the Superintendent or designee in accordance with the provisions of this policy and its implementing regulations.

Definitions

For the purposes of this policy, the following definitions apply:

"Low-achieving school" means any school included on the annual Open Enrollment List of 1,000 Schools issued by the California State Superintendent of Public Instruction. The process for identifying and including schools on the Open Enrollment List of 1,000 Schools is described in the Romero Bill and its implementing regulations.

"School district of enrollment" means a school district other than the school district in which the parent/guardian of the student resides, but in which the parent of the student nevertheless intends to apply to enroll pursuant to the Romero Bill.

"School district of residence" means a school district in which the parents of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code section 48204.

Overview and Application Timelines

1. Only students attending a designated "low-achieving school" are eligible to apply for a transfer under this policy.
2. Romero Bill transfer applications to schools within the district must be completed on district forms and will be accepted until January 1 of the school year preceding the school year for which the student is requesting a transfer. Any application submitted after January 1 will not be accepted or reviewed.
3. This application deadline does not apply to an application requesting a transfer if the parent, with whom the student resides, is enlisted in the military and was relocated by the military within ninety (90) days prior to submitting the application.
4. The district shall notify a Romero Bill applicant's parent and the school district of residence in writing by March 1 of the school year preceding the school year for which the transfer was requested regarding whether the application was approved or denied. All approvals at this time will be provisional, to ensure that the district can enroll its own residents, to whom the district owes a mandatory duty of enrollment.
5. No later than July 15, the district will send Final Notices to Acceptance to provisionally approved applicants who can be enrolled based upon remaining program capacity.

Basis for Approval or Denial of Romero Bill Applications

1. The Superintendent or designee may not approve the initial application of a student requesting a Romero Bill transfer, if the transfer would require the displacement of any student who resides within the district. The Superintendent or designee may deny a Romero Bill transfer application under any of the following circumstances:
a. If approval of the transfer application would result in a district exceeding the long-term capacity of a program, class, grade level, or school building.

b. Approval of the transfer application would result in any adverse financial impact to the district.

c. If the Board of Trustees of the district determines that the transfer would negatively impact either of the following:

(1) A court-ordered or voluntary desegregation plan of the district.

(2) The racial and ethnic balance of the district, consistent with state and federal law.

2. The Superintendent or designee may not consider a student's previous academic achievement, physical condition, proficiency in the English language, family income, or any of the individual characteristics set forth in Education Code section 200 (e.g., disability, gender, nationality, race or ethnicity, religion, or sexual orientation) when considering whether to approve or deny a Romero Bill application.

3. In addition to the requirements set forth in this policy and its implementing regulations, the district will also review the disciplinary history of the student seeking transfer to ensure that the application complies with the intent of the Romero Bill.

4. The district cannot accept an application for a Romero Bill transfer if the student's district of residence has prohibited the transfer as allowed under the Open Enrollment Act.

Terms of Approval and Enrollment Priorities

1. Any student who Romero Bill transfer application is approved must be enrolled in a district school with a higher Academic Performance Index ("API") than the school in which the student was previously enrolled and selected through a random, unbiased process that prohibits an evaluation of whether or not the student should be enrolled based on his or her individual academic or athletic performance or any other characteristic protected under Education Code section 200 (e.g., disability, gender, nationality, race or ethnicity, religion, or sexual orientation), except that students applying for a transfer under this policy shall be assigned priority as follows:

a. First Priority: Siblings of children who already attend the desired school.

b. Second Priority: Students transferring from a program improvement school ranked in decile 1 on the API as determined pursuant to Education Code section 48352(a).

2. If the number of students who request a particular district school exceeds the number spaces available at that school, a lottery shall be conducted in the group priority order stated above to select students at random until all available spaces are filled.

3. The initial application of a student for transfer under this policy shall not be approved if the transfer would require the displacement from the desired school of another student who resides within the attendance area of that school or is currently enrolled in that school.

Accepted Applications

1. Once an application is accepted (Final Notice of Acceptance), the student may enroll in the school or program approved by the district at the start of the school year immediately following the approval of the application. Once enrolled, the student is not required to re-apply to remain enrolled.
2. A student approved for a Romero Bill transfer into the district shall be deemed to have fulfilled residency requirements for attendance in the district set out in Education Code section 48204 and shall not be required to submit another application in order to remain enrolled. The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the district may decline to enroll the student. (5 CCR 4703)

3. Once enrolled, a student attending a school in the district pursuant to a Romero Bill transfer shall be subject to all rules, policies and regulations applicable to all students in the district.

4. The district does not provide transportation for student accepted for enrollment under the Romero Bill. Transportation is the responsibility of the parents.

Rejected Applications

1. If an application is rejected, the district shall notify the applicant parent/guardian and school district of residence in writing that the application has been rejected. Such notification shall state the reason(s) for the rejection.

2. The district's decision regarding the rejection of a Romero Bill transfer application is final and may not be overturned absent a finding by a court of competent jurisdiction that the Superintendent or designee acted in an arbitrary and capricious manner. There is no right of appeal to the county office of education.

Notice of Eligibility to Transfer

On or before the first day of school each year, or if later, on the date the district received notice of program improvement, corrective action, or restructuring status under federal law, the district shall provide the parents/guardians of all students enrolled in a designated "low-achieving school" notice of the option to transfer to another public school in the district or another school district.

Prohibiting or Limiting the Number of Transfers Out of the District

1. In the event that a school within the district is designated as a "low-achieving school," the district may prohibit or limit the number of students who transfer out of the district under the Romero Bill, if the Board of the district determines that the transfer would negatively impact either of the following:

   a. A court-ordered or voluntary desegregation plan of the district.

   b. The racial and ethnic balance of the district consistent with federal and state law.

Legal Reference:

EDUCATION CODE

200 Prohibition of discrimination

48204 Residency requirements for school attendance

48350-48361 Open Enrollment Act

CODE OF REGULATIONS, TITLE 5
4700-4703 Open Enrollment Act

Policy MONTECITO UNION SCHOOL DISTRICT

adopted: October 17, 2017 Santa Barbara, California
AR 5118

Open Enrollment Act - Romero Bill Transfers

Definitions

District of enrollment means the district, other than the district in which the student's parent/guardian resides, in which the parent/guardian intends to enroll his/her child. (Education Code 48352)

District of residence means the district in which the parent/guardian of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code 48200. (Education Code 48352)

(cf. 5111.1 - District Residency)

Open enrollment school means a "low-achieving" school identified by the Superintendent of Public Instruction (SPI) pursuant to Education Code 48352 and 5 CCR 4701. (Education Code 48352; 5 CCR 4701)

Transfer Applications into a District School

Enrollment priority shall be available to students who reside within this district. No student who resides within a school's attendance area or who is currently enrolled in a school shall be displaced by a student who is transferring pursuant Education Code 48350-48361 or 5 CCR 4700-4703. (Education Code 48354, 48356)

Applications shall be submitted within the deadlines established by Board policy.

However, the application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48354)

(cf. 6173.2 - Education of Children of Military Families)

The parent/guardian's application may request enrollment of his/her child in a specific school or program. Requests for admission to a magnet school or program designed to serve gifted and talented students shall be subject to the usual admission requirements established by the district for district students. Except for such specialized admission requirements, the Superintendent or designee shall not consider the student's previous academic achievement, athletic performance, physical condition, English language proficiency, family income, or any of the prohibited bases for discrimination listed in Education Code 200. (Education Code 48354, 48356)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 6172 - Gifted and Talented Student Program)

If the number of students who request a particular school exceeds the number of spaces available at that school, the Superintendent or designee shall conduct a lottery, in the group priority order identified in items #1 and #2 above, to select students at random until all of the available spaces are filled. (Education Code 48356)
Within 60 days of receiving the application, the Superintendent or designee shall provide written notification to the parent/guardian and the student's district of residence as to whether the application has been accepted or rejected. If the application has been rejected, the notice shall state the reasons for the rejection. If the application has been approved, the notification shall specify the particular school site and the school's address to which the student has been admitted. (Education Code 48357; 5 CCR 4702)

Terms of Approval

The Superintendent or designee shall ensure that the school to which the student is transferring has a higher API than the school in which the student was previously enrolled. (Education Code 48356)

The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the district may decline to enroll the student. (5 CCR 4703)

Upon enrollment, the district shall grant the student any credits toward graduation that he/she received from his/her district of residence. The student shall be eligible for graduation from district schools upon completion of state and district graduation requirements. (Education Code 48358)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

A student admitted to a district school through this process shall be deemed to have fulfilled district residency requirements pursuant to Education Code 48204 and shall not be required to reapply for enrollment in that school, regardless of whether his/her school of residence remains on the Open Enrollment List. (Education Code 48356; 5 CCR 4702)

Parents/guardians are responsible for transporting their children to school.

Transfers out of District Schools on the Open Enrollment List

Upon identification by the California Department of Education (CDE) that a district school is on the Open Enrollment List, the Superintendent or designee shall notify the parents/guardians of each student enrolled in the school of the option to transfer. This notice shall be provided by the first day of instruction. However, if the CDE has not notified the district whether a school is on the list by the first day of instruction, the notification shall be provided no later than 14 calendar days after the Open Enrollment List is posted on the CDE's web site. (Education Code 48354; 5 CCR 4702)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 5145.6 - Parental Notifications)

Regulation MONTECITO UNION SCHOOL DISTRICT

approved: October 17, 2017 Santa Barbara, California
BP 5113

Absences and Excuses

The Governing Board believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5113.1 - Chronic Absence and Truancy)

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Board policy, and administrative regulations. (Education Code 48205)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

At the beginning of each school year, the Superintendent or designee shall send a notification to the parents/guardians of all students, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

(cf. 5145.6 - Parental Notifications)

Students shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations. (Education Code 46014)

Effect of Absence on Grades/Credits

If a student's absence is excused under Education Code 48205, he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. (Education Code 48205)

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6154 - Homework/Makeup Work)

Legal Reference:
EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

49701 Provisions of the interstate compact on educational opportunities for military children

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE
601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

ATTORNEY GENERAL OPINIONS


COURT DECISIONS


Management Resources:

CSBA PUBLICATIONS

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

WEB SITES

CSBA: http://www.csba.org

Policy MONTECITO UNION SCHOOL DISTRICT

adopted: October 17, 2017 Santa Barbara, California
Know Your Educational Rights

Your Child has the Right to a Free Public Education

• All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students’ parents or guardians.

• In California:

• All children have the right to a free public education.

• All children ages 6 to 18 years must be enrolled in school.

• All students and staff have the right to attend safe, secure, and peaceful schools.

• All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.

• All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

• When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.

• You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

• Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

• Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory.

Family Safety Plans if You Are Detained or Deported

• You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported. You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.
Right to File a Complaint

• Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.
BP 5145.7

Sexual Harassment - Students

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence

2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion
48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS


Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130


Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Questions and Answers on Title IX and Sexual Violence, April 2014
Dear Colleague Letter: Sexual Violence, April 4, 2011
Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr
Policy MONTECITO UNION SCHOOL DISTRICT
adopted: October 17, 2017 Santa Barbara, California
BP 6173 – Instruction

Education for Homeless Children

The Board of Trustees desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

(cf. 3553 - Free and Reduced Price Meals)

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

Transportation

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend his/her school of origin within this district, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

Legal Reference:

EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

48850 Educational rights; participation in extracurricular activities

48852.5 Notice of educational rights of homeless students

48915.5 Recommended expulsion, homeless student with disabilities

48918.1 Notice of recommended expulsion

51225.1-51225.3 Graduation requirements

UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CALIFORNIA CHILD WELFARE COUNCIL
Partial Credit Model Policy and Practice Recommendations

CALIFORNIA DEPARTMENT OF EDUCATION
Homeless Education Dispute Resolution Process, January 30, 2007

NATIONAL CENTER FOR HOMELESS EDUCATION PUBLICATIONS
Homeless Liaison Toolkit, 2013

U.S. DEPARTMENT OF EDUCATION GUIDANCE
Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004

WEB SITES

California Department of Education, Homeless Children and Youth Education: http://www.cde.ca.gov/sp/hs/cy

National Center for Homeless Education at SERVE: http://www.serve.org/nche

National Law Center on Homelessness and Poverty: http://www.nlchp.org


Policy MONTECITO UNION SCHOOL DISTRICT
adopted: January 17, 2017 Santa Barbara, California
Education for Homeless Children

Definitions

Homeless students means students who lack a fixed, regular, and adequate nighttime residence and includes: (42 USC 11434a)

1. Students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.

(cf. 6173.1 - Education for Foster Youth)

2. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings.

3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

4. Migratory children who qualify as homeless because they are living in conditions described in items #1-3 above.

5. Unaccompanied youth who are not in the physical custody of a parent or guardian.

School of origin means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432)

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (42 USC 11432)

District Liaison

The Superintendent designates the following staff person as the district liaison for homeless students: (42 USC 11432)

Principal

385 San Ysidro Road

Santa Barbara, CA 93108

(805) 969-3249

The district's liaison for homeless students shall: (Education Code 48852.5; 42 USC 11432)

1. Ensure that homeless students are identified by school personnel and through coordinated activities with other entities and agencies.

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
2. Ensure that homeless students enroll in, and have a full and equal opportunity to succeed in, the district school

3. Ensure that homeless families and students receive educational services for which they are eligible

4. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children

5. Disseminate notice of the educational rights of homeless students in the school that provides services to homeless children and at places where they receive services, such as schools, family shelters, and hunger relief agencies (soup kitchens)

6. Mediate enrollment disputes in accordance with law, Board policy, and administrative regulation

7. Fully inform parents/guardians of all transportation services

8. When notified pursuant to Education Code 48918.1, assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion

9. When notified pursuant to Education Code 48915.5, participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability

10. Assist a homeless student to obtain records necessary for his/her enrollment into or transfer out of district schools, including immunization, medical, and academic records

Enrollment

The district shall make placement decisions for homeless students based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)

The student may continue attending his/her school of origin for the duration of the homelessness or, if the student moves into permanent housing, until the end of any academic year in which he/she moves into permanent housing. (42 USC 11432)

In the case of an unaccompanied youth, the liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)
When making a placement decision for a homeless student, the Superintendent or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

However, placement decisions shall not be based on whether a homeless student lives with his/her homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. (42 USC 11432)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

(cf. 5141.31 - Immunizations)

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district liaison for homeless students. The district liaison shall assist the parent/guardian, or the student if he/she is an unaccompanied youth, in obtaining the necessary immunizations or records for the student. (42 USC 11432)

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432)

Resolving Enrollment Disputes

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute. (42 USC 11432)

The parent/guardian shall be provided with a written explanation of the placement decision, which shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand. The written explanation shall include:

1. The district liaison's contact information

2. A description of the district's placement decision

3. Notice of the student's right to enroll in the school of choice pending resolution of the dispute, including the right to fully participate in all school activities

4. Notice of the parent/guardian's right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education

The district liaison shall work to resolve an enrollment dispute as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

In working with a student's parents/guardians to resolve an enrollment dispute, the district liaison shall:
1. Inform them that they may provide written and/or oral documentation to support their position

2. Inform them that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved

3. Provide them a simple form that they may use and turn in to the school to initiate the dispute resolution process

4. Provide them a copy of the dispute form they submit for their records

5. Provide them the outcome of the dispute for their records

If a parent/guardian disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

Regulation MONTECITO UNION SCHOOL DISTRICT

approved: January 17, 2017 Santa Barbara, California