

**ANNUAL NOTICE TO PARENTS/GUARDIANS  
2024-2025**

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# Midway Elementary School District

## COVER LETTER AND PARENT ACKNOWLEDGEMENT

### ANNUAL NOTICE TO PARENTS/GUARDIANS CONCERNING THEIR RIGHTS AND RESPONSIBILITIES 2024 - 2025

Each school district must notify parents and guardians of their legal rights and obligations at the beginning of the first semester or quarter of the regular school year. The following summarizes those rights and responsibilities.

Please sign and return the attached acknowledgment indicating that you have received and reviewed these materials. Also, please check the appropriate box below which will allow the district to send future versions of the Annual Notice to you electronically instead of a hard copy.

If you have any questions, please contact the district office.

Sincerely,

Al Quezada  
District Superintendent

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### PARENTAL ACKNOWLEDGMENT

E.C section 48982 Requires Parents to Sign and Return this Acknowledgment

By signing below, I am neither giving nor withholding my consent for my student(s) to participate in any program nor am I agreeing to, or disagreeing to, the information contained in this Notice. I am merely indicating that I have received and read the attached notice regarding my rights relating to activities which might affect my student(s).

## EXCUSED ABSENCES

According to law (E.C. section 48205), your child will be excused for absence when it is:

1. Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
2. Due to quarantine under the direction of a county or city health officer.
3. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.



4. For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.
5. For the purpose of jury duty in the manner provided by law.
6. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.



7. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent/guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district. Attendance at religious retreats shall not exceed one school-day per semester.
8. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
9. For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in

E.C. section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Superintendent of the school district.

10. For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
11. For the purpose of participating in a cultural ceremony or event.
12. For the purpose of a middle school or high school pupil engaging in a civic or political event, provided that the pupil notifies the school ahead of the absence. Pupils will only be excused for only one schoolday-long absence per school year. Pupils may be permitted additional excused absences in the discretion of a school administrator.



13. For the purpose of accessing services from a victim services organization or agency, accessing grief support services, or participating in a safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation if an immediate family member of the pupil, when a pupil is grieving the death of an immediate family member or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family.
14. Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

#### Obtaining Confidential Medical Services (E.C. section 46010.1)

A pupil may be excused from the school for the purpose of obtaining medical services that are private in nature and scheduled confidentially, that is, without the consent of the pupil's parent or guardian.

#### Absence for Religious Purposes (E.C. section 46014)

With your written permission, your child may be excused to attend religious exercises or to receive moral and religious instruction away from school. However, your child will be required to complete a certain number of minutes for that day. Such absences are limited to four days per month.



No Grade Reduction or Loss of Academic Credit for an Excused Absence (E.C. section 48205)

A pupil's grade shall not be reduced or lose academic credit for any excused absence(s) if missed assignments and tests can be reasonably provided and are satisfactorily completed in a reasonable time.

**SCHOOL ATTENDANCE OPTIONS**

Enrollment in Neighborhood School (E.C. section 48980)

Generally, children may attend a school run by the district in which their parents reside. Districts usually enroll children in their neighborhood school. Their neighborhood school is the school which the district has designated to serve the area in which their parents reside.

In addition, the district tries to provide options so that parents who reside in one attendance area may choose to enroll their child in a school that is designated to serve another attendance area. Further, families may choose to enroll their child at a school run by another school district all-together instead of attending a school run by their own school district.

The rules governing enrollment/attendance options are designed to not only address the diverse needs and interests of district families, but also balance enrollment in order to maximize the efficient use of district facilities. There are limitations and requirements associated with each such option and transportation assistance to and from the receiving school receiving the student is generally not provided.

Intradistrict Open Enrollment (E.C. section 35160.5(b))

The parents/guardians of any student who is residing within a district's boundaries may apply to enroll their student in any district run school instead of their neighborhood school. However, no student currently residing within a school's attendance area may be displaced by another student transferring from outside the attendance area.

Enrollment priority is given to:

- The victim of an act of bullying (if there is no available school for an intradistrict transfer, the district cannot prohibit the student's interdistrict transfer). (E.C. section 46600(d)(2).)
- Students whose neighborhood school has been classified as "persistently dangerous." (20 USC 7912; 5 CCR 11992-11993.)

- Any student who is a victim of a violent crime while on school grounds. (20 USC 7912; 5 CCR 11992-11993.)

Additional priorities are set forth in the school district's intradistrict open enrollment policy (BP and AR 5116.1).

The district determines the number of spaces available for each grade level and/or program at each district school to which a student attending another district school may transfer. Except for priorities listed above, the school district uses a random, unbiased selection process to determine who shall be admitted whenever the school receives enrollment requests that are in excess of the school's capacity at the pertinent grade level or in the pertinent program.

The application and selection process is more fully explained in the school district's intradistrict open enrollment policy (BP and AR 5116.1).

#### Interdistrict Transfers (E.C. sections 46600(a)(b) and 46601)

##### A. Interdistrict Attendance Agreements and Permits

A student who resides in one district may transfer to and enroll at a school in another district pursuant to a permit issued under an interdistrict attendance agreement between the two school districts. Both districts must consent to the transfer.

The victim of an act of bullying, committed by a pupil of the district of residence, is given priority for interdistrict attendance. Until the district is at maximum capacity, the district shall accept any student who has been determined by personnel of either school district to be the victim of an act of bullying or whose interdistrict transfer application is based on being a child of an active-duty military parent/guardian. Unless the interdistrict attendance agreement expressly provides otherwise, the student does not have to reapply annually, or at all, and must be allowed to continue to attend the school in which he or she first enrolls. Neither the sending nor receiving districts are required to consent to the transfer. A parent may appeal a school district's denial within 30 calendar days of the date of the school district's final denial to the county board of education (E.C. section 46601).

The application, selection process and appeals process are more fully explained in the school district's interdistrict enrollment policy (BP and AR 5117).

##### B. School District of Choice Program (E.C. sections 48300-48317)

A school district may enact the School District of Choice Program. The program allows the receiving district to enroll non-district students without the

agreement of their district of residence. Under this program, priority must be given to siblings of children already in attendance, students who are eligible for free or reduced-price meals and to children of military personnel, in that order.

Once enrolled pursuant to the School District of Choice Program, the transfer is renewed automatically unless the governing board withdraws the program. However, the student does not have a regulatory right to stay at the same school. Additionally, the district of residence may impose a statutorily-set cap on the total number of students transferring out of the district, and the district of choice is required to give certain notices to districts of residence.

The process is more fully explained in the school district's interdistrict enrollment policy (BP and AR 5117).

#### Alternative Residency Compliance (E.C. section 48204)

A student complies with the residency requirements for school attendance in a school district if they are any of the following:

- A student who is placed within the boundaries of that school district in a regularly established licensed children's institution or a licensed foster home; or
- A student for whom interdistrict attendance has been approved; or
- A student whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation; or
- A student who lives in the home of a caregiving adult that is located within the boundaries of that school district; or
- A student residing in a state hospital located within the boundaries of that school district; or
- A student whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week; or
- A school district **may** deem a student to have complied with the residency requirements for school attendance in a school district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that school district for a minimum of 10 hours during the school week.

The process is more fully explained in the school district's interdistrict enrollment policy (BP and AR 5111.1).

#### Foster Youth (E.C. sections 48204(a)(2) and 48853.5)

Students who are or become "Foster" children must be permitted to continue their education at their "school of origin" through the end of the academic year and maybe

longer if that placement is in their best interests. This rule applies as long as they remain “Foster” children. On the other hand, if the district’s Educational Liaison and the Foster family agree that enrollment in a “new” school is in the best interest of the “Foster” child, the new school must immediately enroll the child. Foster children must be allowed to matriculate with their peers in accordance with the established feeder patterns of the school district when transitioning to middle school or high school.

The process is more fully explained in the school district’s education for foster youth policy (BP and AR 6173.1).

#### “Homeless” Students (42 USC 11431-11435)

A student whose parents come within the McKinney-Vento criteria for homelessness may, if they so choose, continue enrollment in the school they were attending prior to becoming homeless even if now living elsewhere in or outside of the district’s boundaries. Note that they may also choose the neighborhood school in their new district instead.

Also note that McKinney-Vento gives homeless students transportation rights. The new district and old district, together, must make transportation arrangements for the student.

The process is more fully explained in the school district’s education for homeless children policy (BP and AR 6173).

#### Students Receiving Special Education Services Pursuant to an Individualized Education Program (IEP) or a 504 Plan (20 USC 1400 and following; 34 CFR 300.114-300.118)

IEP teams and the Individuals with Disabilities Education Act (IDEA), not district administrators and/or other federal/state legislation, determine the placement of IDEA eligible students. The requirements of IDEA necessitate placement where the student can receive a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). LRE tends to create a preference favoring sites in relatively close proximity to the student’s home provided that the student can receive FAPE at that site.

The same is generally true of students receiving special education services pursuant to Section 504 of the Rehabilitation Act of 1973 (29 USC 794; CFR 104.33 and 104.34).

The process is more fully explained in the school district's policies on Identification and Education Under Section 504 and on Individualized Education Programs (BP and AR 6164.6 and 6159).

#### Individualized Instruction (E.C. sections 48206.3 and 48980(b))

If your child has a temporary disability which prevents your child from attending regular classes, the district will provide individual instruction when possible.

Students in Hospitals Outside of School District (E.C. sections 48206.3, 48207 and 48208)

If, due to a temporary disability, your child is in a hospital or other residential health facility which is located outside your school district, your child may be eligible to attend the school district in which the hospital is located. If this situation should arise, you should notify both the district where you reside and the district where the hospital is located so that individualized instruction, if possible, can be provided.

Alternative School or Class Group Within the District (E.C. section 58500)

A school district may establish and maintain an “alternative” school or a separate class group within the district that is designed to:

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

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

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

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

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

In the event any parent, 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.

Charter Schools (E.C. sections 47600-47663; 5 CCR 11963)

Charter Schools are governed by the Education Code, but free of most of the code's restrictions. The two main forms of charter schools are classroom-based or non-classroom-based instruction. Non-classroom-based instruction, commonly referred to as "independent study," takes place primarily at home or outside the traditional classroom-based school setting.

#### Private Schools (E.C. section 48222)

Children may be instructed in a private full-time day school by persons qualified to teach in the State of California. Private schools are selected and paid for by the student's parents.

#### Mentally Gifted Students (E.C. section 48223)

Children who are mentally gifted and who are being instructed in a private full-time day school by persons capable of teaching, where all or part of the courses of instruction required to be taught in the public schools of this state is taught in a world language with not less than 50 percent of the total daily instructional time taught in the English language, shall be exempted. The attendance of the pupils shall be kept pursuant to Section 48222.

#### Instruction by Tutor (E.C. section 48224)

As an alternative to a private school, children may be instructed by a private tutor, who must hold a valid state credential for the applicable grade level. Private tutors are selected and paid for by student's parents.

#### Homeschooling (*Jonathan L. v. Superior Court* (2008) 165 Cal.App.4th 1074)

Homeschooling in California is either performed by a parent who files a private school affidavit or a parent who qualifies as a private tutor. For more information regarding a private school affidavit, please visit the California Department of Education's website at <https://www.cde.ca.gov/sp/ps/affidavit.asp>

## **STUDENT MISCONDUCT AND DISCIPLINE**

#### The Obligations of a Student While at School (5 CCR 300)

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

#### Teachers Are Required to Hold Students to Strict Account for Misconduct (E.C. section 44807)

Every teacher must hold students to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. Teachers may exercise the amount of physical control that is reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning.

#### Rules of the District Pertaining to Student Discipline (E.C. section 35291)

Student discipline is regulated by the California legislature and by board policy and procedures. The student discipline rules are detailed and exhaustive. Their purpose is to give school officials the legal authority to impose student discipline and also provide accused students with due process. The rules governing student discipline are more fully explained in board policies BP and AR 5144, 5144.1 and 5144.2.

#### Prohibited Behavior (E.C. section 48900 and following)

If a student engages in prohibited behavior, in addition to other forms of corrective action, they may be disciplined, including in school suspension, suspension from school and expulsion from the school district, depending on the circumstances.

Prohibited behavior includes volitional conduct amounting to or related to: assault, battery, threat, alcohol, drugs, firearms, knives, explosives, other dangerous objects, drug paraphernalia, robbery, extortion, destruction of property, stealing, receiving stolen property, tobacco, obscene acts, habitual profanity, disrupting school activities, defying the valid authority of teachers, administrators, or other school personnel, possessing an imitation firearm, sexual battery, sexual assault, intimidation of student witnesses, hazing, bullying, sexual harassment, hate violence, harassment, intimidation and terroristic threats.

#### Classroom Correction and Non-Punitive in School Correction Preferred When Appropriate (E.C. sections 48900.5(b), 48900.6 and 48900.9(b))

Other means of correction are always preferred over in-school suspension, suspension from school, expulsion and any other form of exclusionary discipline that results in a pupil being removed from their regular classroom.

#### Suspension from School (E.C. section 48911)

A school principal (or the principal's duly assigned designee or the Superintendent) may suspend a pupil from school for any conduct prohibited by Education Code section 48900. The maximum duration of any single suspension is five school days. In a case where expulsion from a school or suspension for the balance of the semester from continuation school is being processed by the governing board of the school district, the district superintendent or other person designated by the district superintendent may

extend the suspension in writing until the governing board of the school district has rendered a decision in the action.

#### Expulsion from the School District (E.C. section 48918)

When appropriate, the governing board may expel a student from the school district for any conduct proscribed by the Education Code. The student is entitled to a hearing and due process. If expelled, the student is to receive a Rehabilitation Plan and a copy of the procedures to apply for readmission to the district pursuant to Education Code section 48916.

#### Discipline of a Disabled Student Who Is Eligible for Special Education Pursuant to IDEA or Section 504 (E.C. section 48915.5 and 20 USC 1415(k))

Federal law governs the authority of school districts to suspend and expel disabled children from school. If the misconduct is a manifestation of the student's disability, after 10 days of suspension, the student must be returned to the pre-suspension placement unless his/her IEP team and parents agree otherwise. A disabled student may not be expelled for misconduct which is a manifestation of the student's disability. The rules governing the discipline of students with disabilities are more fully explained in board policy AR 5144.2.

#### Student Searches (New Jersey v. T.L.O. (1985) 469 U.S. 325)

A warrant or probable cause is not necessary for searches of students by school officials and the level of suspicion to justify the search need not rise to the level of probable cause. Rather, such a search by school officials must be:

- Justified in its inception - it must be reasonable to suspect the items searched contain evidence of prohibited conduct;
- Reasonably related in scope to the circumstances which justified the search in the first place. That is, the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

The rules governing search and seizure are more fully explained in board policy BP and AR 5145.12.

#### Law Enforcement Notification (E.C. section 48902)

The Education Code requires the school principal to notify law enforcement in cases of student misbehavior involving:

- Assault with a deadly weapon or other instrument;



- Assault by means of force likely to produce serious bodily injury;
- Use, possession or sale of drugs and alcohol;
- Arranging for the sale of a substance represented to be drugs or alcohol;
- Possession of a firearm within a school zone;
- Possession of other weapons such as dirk or dagger at school; and
- Possession or furnishing of a firearm or an explosive at school.

Release of a Student to a Peace Officer (E.C. section 48906)

If a school official releases your student from school to a peace officer for the purpose of removing your student from the school premises, the school official will take immediate steps to notify you or a responsible relative of your child, except when a student has been taken into custody as a victim of suspected child abuse. In those cases, the peace officer will notify the parent or responsible relative that the child is in custody and the place where the child is being held, unless the child would be endangered by disclosure of the place.

Property Damage or Personal Injury - Parents Liable (E.C. section 48904(a) and Civ. Code section 1714.1)

Parents are liable for property damage or personal injuries caused by their child's willful misconduct in an amount up to \$25,000.00.

Damaged Library Materials - Parents Liable (E.C. section 19910)

The parent or guardian of a minor who willfully and maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition is liable for all damages so caused by the minor.

Over Due Library Materials - Parents Liable (E.C. section 19911)

The parent or guardian of a minor who willfully and maliciously detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading room, museum, or other educational institution, for 30 days after notice in writing to return the article or property, given after the expiration of the time for which by the rules of the institution the article or property may be kept, is liable for all damages so caused by the minor.

### Withholding Grades, Diploma, or Transcript (E.C. section 48904(b))

When your child willfully damages school property or if school property is loaned to your child and your child refuses to return it when due, grades, diplomas and transcripts may be withheld. A voluntary work program in lieu of the payment of money may be arranged.

### Attendance by Parent for a Portion of the School Day (E.C. 48900.1)

If your student willfully defies the authority of his/her teacher, disrupts classroom activity, commits an obscene act or habitually uses profanity or vulgarity, you may be required to attend school with your student for a portion of the school day.

### Student Sexual Harassment (E.C. section 231.5; 5 CCR 4917)

The district takes allegations of sexual harassment seriously. The district prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The district 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. Students in grades 4 through 12 may be suspended or expelled for engaging in 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, or who has experienced off-campus sexual harassment that has a continuing effect on campus, 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. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in BP and AR 5145.7.

### Social Media Monitoring (E.C. section 49073.6)

The district intends to and will collect data from pupils' social media, and may use such data in disciplinary actions involving students and/or district employees. The information gathered and/or maintained will pertain directly to school or student safety.

Pupils and their parents/guardians may inspect this information and request correction or deletion. The information will be deleted within one year of the pupil reaching the age of 18 or within one year of the pupil no longer being enrolled in the district, whichever comes first. The social media records of a pupil may be inspected by the pupil or the pupil's parent/guardian and corrections or deletion of the information may be requested. Requests to inspect a pupil's collected social media information, or to

correct or delete the information, may be made to the principal or other site administrator who, within five school days, shall make the records available for inspection or respond to the request for correction or deletion of the information. Students and their parents/guardians also may have a district-level hearing to appeal the decision not to change or delete records.

Involuntary Transfer of a Student Convicted of a Violent Felony or Misdemeanor Where Victim Enrolled at Same School (E.C. section 48929)

Pursuant to board policy, a student perpetrator who has been convicted of a violent felony or a misdemeanor involving a firearm may be involuntarily transferred to another school site if the victim of the offense is enrolled at the same school as the perpetrator. District policy provides that (i) the school first attempt to resolve their conflict using restorative justice or counseling, if the victim will participate; (ii) the student perpetrator be notified of the pupil's right to request a meeting with the school principal before the principal makes a recommendation; (iii) the Superintendent or the pupil's designee make a recommendation to the governing board; and (iv) the board deliberate in closed session as may be necessary to maintain the confidentiality of student information. The board's decision will be final.

## **STUDENT SERVICES**

Special Education Services for Disabled Pupils (E.C. sections 56020 and following and 56301; 34 CFR 104.36)

If you have reason to believe that your child (ages 0 through 21 years) has a disability which requires special services or accommodations, bring this to the attention of the school office. You may request an assessment for eligibility for special education instruction or services through the school principal. Your child will be evaluated to determine whether your child is eligible for special instruction or services.

Any request for assessment must be made in writing and received by the district. If a request for assessment is made via e-mail, the request will be considered received by the district when the e-mail is opened.

You will be notified in writing of all district decisions regarding the identification, evaluation, or educational placement of your student if your student has a disability or suspected disability. All such notifications will include a statement regarding procedural safeguards including, but not limited to, your rights to (1) examine relevant records, (2) have an impartial hearing with an opportunity for participation by you and your counsel, and (3) a review procedure.

The rules governing the rights and obligations associated with Special Education are more fully explained in board policy BP and AR 6159-6259.4.

### Prospectus of School Curriculum (E.C. sections 49063 and 49091.14)

The curriculum of every course offered by the schools of the district is compiled annually by each school in a prospectus which contains the titles, descriptions, and instructional aims of every course offered by each school. Each school prospectus is available for review upon request at each school site.

### Fingerprinting (E.C. section 32390)

Districts are authorized to offer fingerprinting programs for children enrolled in kindergarten or newly enrolled in the district. If the district has adopted such a program, on your child's initial enrollment you will be notified of procedures, any applicable fee, and your right to decline your child's participation.

### Sex Equity in Course Selection and Career Counseling; Advance Notice (E.C. section 221.5)

Commencing with the 7<sup>th</sup> grade, parents must be notified in advance of Course Selection and Career Counseling. Parents may participate in such counseling along with their child. Recommendations by counselors cannot differentiate between students on the basis of the student's sex and shall affirmatively explore with each student the possibility of careers and courses leading to careers that may be considered nontraditional for that student's sex.

## **HEALTH AND SAFETY**

Immunizations (E.C. sections 49403, 48216 and 48853.5; Health and Safety Code sections 120335, 120370, 120372, 120372.05 and 120375; 17 CCR 6025-6051, 6055 and 6070; 42 USC 11431; also see district BP/AR 5141.31.)

In order to protect the health of all students and staff and to curtail the spread of infectious diseases, the school district cooperates with state and local public health agencies to encourage and facilitate immunization of all district students against preventable diseases. Accordingly, parents must provide documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases:

1. Measles, mumps, and rubella (MMR);
2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap);
3. Poliomyelitis (polio);
4. Hepatitis B;
5. Varicella (chickenpox);
6. Haemophilus Influenza Type B (Hib meningitis); and
7. Any other disease designated by the CDPH.

Any first time newly admitted student who has not obtained the required immunization(s) within 10 school days following the parent/guardian's receipt of notice, must be excluded from school unless the student is exempt from immunization for medical reasons.

A medical exemption requires a written statement from a licensed physician to the effect that the physical condition or the medical circumstances of the child are such that immunization is not safe.

Beginning January 1, 2020, a medical exemption must be submitted using the standardized form developed by the CDPH and transmitted through the California Immunization Registry (CAIR). The information must include a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary.

A student who has a medical exemption issued prior to January 1, 2020, will be allowed to continue enrollment until the next grade span, except that after July 1, 2021, a student may not be admitted or advanced to grade 7 unless the student has been immunized or a medical exemption form filed as stated above.

A temporary exemption cannot exceed one year, and all medical exemptions cannot extend beyond the grade span.

If a student's medical exemption is revoked by CDPH on the basis that the exemption does not meet applicable criteria for medical exemptions, the student shall continue in attendance and, within 30 calendar days of the revocation, commence the immunization schedule required for conditional admittance.

The student's parent/guardian may appeal a revocation to the Secretary of California Health and Human Services. If a revocation is appealed, the student may continue in attendance and cannot be required to commence the immunization schedule required for conditional admittance provided the appeal is filed within 30 calendar days of the revocation.

If it is determined, however, that a child has been exposed to one of the 10 diseases named in the immunization requirements and does not have proof of immunization, the child may be temporarily kept out of school.

A student may also be exempt from the state immunization requirements if the student is enrolled in an independent study program pursuant to Education Code sections 51745-51749.6 and does not receive any classroom-based instruction.

After January 1, 2016, parents of students in any school, will no longer be allowed to submit a personal beliefs exemption to a currently required vaccine. A personal beliefs exemption on file at school prior to January 1, 2016 will continue to be valid until the

student enters the next grade span at kindergarten (including Transitional Kindergarten) or 7th grade.

If the student has not been granted a valid exemption, the student must remain excluded from school until an immunization record is provided that certifies that the student has received a dose of each required vaccine due at that time.

An immunization record must be either a personal record with entries made by a physician or agency performing the immunizations or a school record from the student's previous school documenting the student's immunizations.

A special education student who is not fully immunized must nevertheless continue to receive all special education and related services. That is, the IEP must continue to be fully implemented.

Homeless children and foster youth must be immediately enrolled even if they are unable to produce records normally required for enrollment, including medical records.

Military families must be given 30 days from the date of enrollment to show that their children are fully immunized before being excluded. A transfer student must be given 30 days while his/her records are being transferred from a previous school before being excluded.

The rules governing the rights and obligations associated with immunizations and exclusion from school are more fully explained in board policy BP and AR 5141.31 and AR 5112.2.

If you have questions or concerns, you may contact and discuss those questions and concerns with the school nurse. If you are having financial difficulty fully immunizing your child or difficulty locating a medical provider, contact the school nurse for guidance. If you need a short extension of this timeline, also contact the school nurse.

Table A, "California Immunization Requirements for Pre-Kindergarten," sets forth, according to age or grade, the required immunizations and number of doses for admission to and attendance at a pre-kindergarten facility.

**TABLE A: CALIFORNIA IMMUNIZATION REQUIREMENTS FOR PRE-KINDERGARTEN<sup>1</sup>**

<b>AGE WHEN ADMITTED</b>	<b>TOTAL NUMBER OF DOSES REQUIRED OF EACH IMMUNIZATION<sup>2 3</sup></b>				
2 through 3 months	1 Polio	1 DTaP	1 Hep B	1 Hib	
4 through 5 months	2 Polio	2 DTaP	2 Hep B	2 Hib	
6 through 14 months	2 Polio	3 DTaP	2 Hep B	2 Hib	
15 through 17 months	3 Polio	3 DTaP	2 Hep B	1 Hib <sup>4</sup>	1 Varicella
	On or after the 1st birthday:				1 MMR
18 through 5 years	3 Polio	4 DTaP	3 Hep B	1 Hib <sup>4</sup>	1 Varicella
	On or after the 1st birthday:				1 MMR

<sup>1</sup> A pupil's parent or guardian must provide documentation of a pupil's proof of immunization to the governing authority no more than 30 days after a pupil becomes subject to any additional requirement(s) based on age, as indicated in Table A.

<sup>2</sup> Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines. Doses of DTP count towards the DTaP requirement.

<sup>3</sup> Any vaccine administered four or fewer days prior to the minimum required age is valid.

<sup>4</sup> One Hib dose must be given on or after the first birthday regardless of previous doses. Required only for children who have not reached the age of five years.

Table B, “California Immunization Requirements for Grades K-12,” sets forth, according to age or grade, the required immunizations and number of doses for admission to and attendance at a school.

**TABLE B: CALIFORNIA IMMUNIZATION REQUIREMENTS FOR GRADES K-12**

<b>GRADE</b>	<b>NUMBER OF DOSES REQUIRED</b>				
<b>ADMITTED</b>	<b>OF EACH IMMUNIZATION<sup>1 2 3</sup></b>				
<b>K-12 Admission (7th-12th)<sup>8</sup></b>	<b>4 Polio<sup>4</sup> 1 Tdap</b>	<b>5 DTaP<sup>5</sup></b>	<b>3 Hep B<sup>6</sup></b>	<b>2 MMR<sup>7</sup></b>	<b>2 Varicella</b>
<b>7th Grade Advancement<sup>9 10</sup></b>	<b>2 Varicella<sup>10</sup></b>	<b>1 DTaP<sup>8</sup></b>			

<sup>1</sup> Requirements for K-12 admission also apply to transfer pupils.

<sup>2</sup> Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines. Doses of DTP count towards the DTaP requirement.

<sup>3</sup> Any vaccine administered four or fewer days prior to the minimum required age is valid.

<sup>4</sup> Three doses of polio vaccine meet the requirement if one dose was given on or after the fourth birthday.

<sup>5</sup> Four doses of DTaP meet the requirement if at least one dose was given on or after the fourth birthday. Three doses meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the seventh birthday. One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement.

<sup>6</sup> For 7<sup>th</sup> grade admission, refer to [Health and Safety Code section 120335\(c\)](#).

<sup>7</sup> Two doses of measles, two doses of mumps, and one dose of rubella vaccine meet the requirement, separately or combined. Only doses administered on or after the first birthday meet the requirement.

<sup>8</sup> For 7<sup>th</sup> through 12<sup>th</sup> graders, at least one dose of pertussis-containing vaccine is required on or after the seventh birthday.

<sup>9</sup> For children in ungraded schools, pupils 12 years and older are subject to the 7<sup>th</sup> grade advancement requirements.

<sup>10</sup> The varicella requirement for seventh grade advancement expires after June 30, 2025.



### Disclosure of Immunization Information

Pursuant to Health and Safety Code section 120440, health care providers, and other agencies, including schools shall disclose certain information from a student's medical record to local health departments operating countywide or regional immunization information and reminder systems and the State Department of Public Health. The following information shall be subject to disclosure:

- (1) The name of the student and their parent or guardian.
- (2) Date of birth of the student.
- (3) Types and dates of immunizations received by the student.
- (4) Manufacturer and lot number for each immunization received.
- (5) Adverse reaction to immunizations received.
- (6) Other nonmedical information necessary to establish the student's unique identity and record.
- (7) Results of tuberculosis screening.
- (8) Current address and telephone number of the student and their parent or guardian.
- (9) Student's gender.
- (10) Student's place of birth.
- (11) Student's race and ethnicity.
- (12) Student's information needed to comply with Chapter 1 (commencing with Section 120325), but excluding Section 120380.

### Control of Communicable Disease (E.C. section 49403)

The district cooperates with the local health office in the control and prevention of communicable disease in school-age children. If you consent in writing, the district may permit any person licensed as a physician and surgeon, or any person licensed as a registered nurse, to administer an immunizing agent to your child. You will be advised in writing before any immunization program is instituted.

### The Seizure Safe Schools Act (E.C. sections 49468-49468.5)

If a student is diagnosed with seizures, a seizure disorder or epilepsy, has been prescribed an emergency anti-seizure medication by a health care provider, the school, upon request from the student's parent or guardian, may designate one or more volunteers at the student's school to receive specific initial and annual refresher training regarding the emergency use of anti-seizure medication from a qualified person. Prior to administering any emergency anti-seizure medication or therapy, the district shall obtain from the pupil's parent or guardian a "Seizure Action Plan" as specified in Education Code section 49468.3.

Emergency anti-seizure medication prescribed to a student shall be provided to the school with the label affixed by the dispensing pharmacy intact.

A student who has been diagnosed with seizures, a seizure disorder, or epilepsy may qualify for services or accommodations pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an IEP. The district shall assist the parent or guardian with the exploration of that option. The district may ask the parent or guardian to sign a notice verifying that the parent or guardian was given this information.

Administering Medication and Monitoring Health Conditions (E.C. sections 49414.1, 49414.5, 49423, 49423.1, 49468.2; 5 CCR 600-611; *American Nurses Association v. Torlakson* (2013) 57 Cal.4th 570)

The district recognizes that during the school day, some students may need to take medication prescribed or ordered by an authorized health care provider to be able to fully participate in the educational program. Upon your written request and with the approval of your child's authorized health care provider, together with a release by parents, foster parents, or guardians of civil liability for such self-administration, a student with a medical condition who requires frequent treatment, monitoring, or testing (including, but not limited to, diabetes and asthma) may be allowed to self-administer, self-monitor, and/or self-test. Your child must observe universal precautions in handling blood and other bodily fluids.

Any medication prescribed by an authorized health care provider, including an emergency anti-seizure medication for a student with epilepsy, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received a written statement from you indicating your desire for the district to assist your child in taking the medication and a written statement from your child's authorized health care provider detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken. If the medication, dosage, frequency of administration, or reason for administration changes at some point in the year, you must provide a new written statement from your child's authorized health care provider.

When unlicensed personnel are authorized by law to administer a medication, such as emergency anti-seizure medication, epinephrine auto-injector, glucagon, or insulin, the Superintendent or designee will ensure that school personnel designated to administer it to students receive appropriate training from qualified medical personnel before any medication is administered. Additionally, such unlicensed personnel will be supervised by, and provided immediate communication access to, a school nurse or physician. In an emergency situation, such as a public disaster or epidemic, a trained, unlicensed district employee may administer medication to a student.

If your child is on a continuing medication regime for a non-episodic condition, you must inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician. Necessary medications

must be provided in properly labeled, original containers, along with the authorized health care provider's instructions. For prescribed or ordered medication, the container must have the name and phone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. With your consent, the school nurse or other designated employee, may communicate with your child's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student.

The District's BP 5141.21 more fully explains rights, obligations and policy regarding administering medication and monitoring health conditions.

#### Use of Sunscreen Permitted (E.C. section 35183.5)

Students may carry and use sunscreen without a doctor's note or prescription, and may also wear sun-protective clothing.

#### Health Care Coverage Information (E.C. sections 49452.9 and 49557.2)

The district has information on health care coverage options and enrollment assistance. If interested, please contact the school office for this information.

#### Physical Examinations (E.C. section 49451; 20 USC 1232h)

Physical examinations and screenings may be conducted at various times throughout the year. Those approximate times are as follows: *[insert times]*. If you want your child to be exempt from physical examinations at school, file a written statement signed by you with the school refusing such an exam. However, when there is a good reason to believe that your child is suffering from a recognized contagious or infectious disease, your child may be sent home and shall not be permitted to return to school until the contagious or infectious disease does not exist.

#### Dental Fluoride Treatment (Health and Safety Code section 104830)

Pupils may be provided the opportunity to receive topical application of fluoride or other decay-inhibiting agent to their teeth. Parents/guardians or eligible pupils should submit a written request for this treatment.

#### Medical and Hospital Services (E.C. section 49472)

The district is required by law to provide you with written notice if it does not provide medical or hospital coverage for injuries arising from student participation in athletic events. **THIS IS YOUR NOTICE.** The district does not provide insurance on individual students. However, through the district you may purchase accident insurance covering your child for medical and hospital services. The insurance provides coverage for your child while on school grounds or in school buildings during the time your child is

required to be there because of your child's attendance during a regular school day of the district, or while being transported by the district to and from school or other place of instruction, or while at any other place as an incident to school-sponsored activities and while being transported to, from, and between those places. This coverage may not apply to specified sports (such as tackle football). Contact the district for clarification.

The district provides coverage for immediate medical and surgical treatment of bodily injuries to a regularly enrolled student resulting from an accident occurring on school grounds or other facilities being used in the district's educational programs or during transportation to and from those places. This includes field trips and all interscholastic athletic competitions with the exception of tackle football. Coverage may be applicable for up to 52 weeks following the accident, with a limit of \$2,500, and the coverage applies for expenses that exceed the limit of, are less than the deductible of, or are simply not covered by, other insurance available to the student.

#### Scoliosis Screening (E.C. section 49452.5)

If your child is enrolled in grades 7 through 12 and is suspected of having curvature of the spine, please notify the school office. The district may screen female students in grade 7 and male students in grade 8 for the condition known as scoliosis. If the initial screening indicates the student may have scoliosis, additional screening may be required. You may request in writing that your student not be screened. If your child is identified at school as having this condition, you will be notified in accordance with the law.

#### Sight and Hearing Test (E.C. section 49452)

The district is required to provide for testing the sight and hearing of each student enrolled in its schools unless you submit a written denial of consent.

#### Information for Use in Emergencies (E.C. section 49408)

For protection of your child's health and welfare, we ask that you fill out and return the enclosed Emergency Information Card.

***[Design and use your own form.]***

#### Confidential Medical Services Without Parental Consent (E.C. section 46010.1)

According to the law, school authorities may excuse any student in grades 7 through 12 from school for the purpose of obtaining confidential medical services without the consent of the pupil's parents.

Management Plan for Asbestos-Containing Material (40 CFR 763.84 and 40 CFR 763.93)

A complete, updated management plan for asbestos-containing material in school buildings is available at each school office.

Pesticide Warnings (E.C. sections 17612 and 48980.3)

The district has implemented an integrated pest management program designed to effectively control pests using a combination of techniques. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment may be used according to established regulations and treatment thresholds.

Pursuant to the Healthy Schools Act of 2000, the district is required to notify staff and parents of the name of all pesticide products expected to be applied at the school facility during the upcoming year. Those products are as follows:

<u>Product Name</u>	<u>Active Ingredient</u>	<u>Pest Treated</u>
A.		
B.		
Etc.		

If you wish to receive notification of individual pesticide applications at the school facility, please complete the attached registration form. **[Attach form.]** You will receive notification at least 72 hours prior to the application.

Information regarding pesticides may be obtained at the California Department of Pesticide Regulation website: <http://apps.cdpr.ca.gov/schoolipm/>

School Safety Plans (E.C. section 32280 and following)

Each school site has established a Safety Plan. Details of the Safety Plan are available to the public through the district office on request, and copies are provided to local law enforcement.

Safe Storage of Firearms (E.C. sections 49390- 49392 and 48986)

Parents and legal guardians of all students in the [Insert Name of School District] are responsible for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.

Below are the laws in California regarding the storage of firearms. Please take some time to review them and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others. (California Penal Code sections 25100 through 25125 and 25200 through 25220)
  - Note: The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor never actually accesses the firearm. (California Penal Code section 25100(c))
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years. (California Civil Code Section 29805)
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward. (California Civil Code Section 1714.3)

Note: Your county or city may have additional restrictions regarding the safe storage of firearms.

\*Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

### School Buses and Passenger Safety (E.C. section 39831.5)

*Districts are required to provide safety rules and information, a list of stops, rules of conduct, red light crossing instructions, and bus danger zones to all new students. Describe that information here.*

### Sex Offender Information: "Megan's Law" (Penal Code section 290.4)

The California Department of Justice operates a website that lists designated registered sex offenders in California. The district does not disseminate this information but you may visit <http://www.meganslaw.ca.gov> to learn more and find helpful information for you and your family.

### Tobacco-Free Schools/No Smoking Policy (Health and Safety Code section 104420)

The district's governing board recognizes that the health hazards associated with smoking and the use of tobacco products, including breathing second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff. The law requires that all recipients of any state and/or federal grant or contract maintain tobacco-free school sites.

Use of tobacco products at any time by students, staff, parents, or visitors, is strictly prohibited in district-owned or leased buildings, on district property, and in district vehicles. This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Prohibited products include any product containing tobacco or nicotine including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for use or possession of prescription nicotine products.

Any employee or student who violates the district's tobacco-free school's policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate. Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from use of tobacco products. If the person fails to comply with this request, the Superintendent or designee may direct the person to leave school property, request local law enforcement assistance in removing the person from school premises, and/or prohibit them from entering district property for a specified period of time.



### Synthetic drug dangers (E.C. section 48985.5)

The use of synthetic drugs that are not prescribed by a physician represents an emerging and ongoing public health threat in California.

A synthetic drug is a drug with properties and effects similar to a known hallucinogen or narcotic but having a slightly altered chemical structure, especially such a drug created in order to evade existing restrictions against illegal substances. Synthetic drugs include but are not limited to synthetic cannabinoids (“synthetic marijuana,” “spice,” “k2”), methamphetamines, bath salts, and fentanyl.

The CDPH has expounded on the extreme danger of drugs laced with fentanyl. Illicit fentanyl can be added to other drugs to make them cheaper, more powerful, and more addictive. Illicit fentanyl has been found in many drugs, including heroin, methamphetamine, counterfeit pills, and cocaine. Fentanyl mixed with any drug increases the likelihood of a fatal overdose. Furthermore, it is nearly impossible to tell if drugs have been laced with fentanyl without additional testing because fentanyl cannot be seen, smelled, or tasted when used as a lacing agent.

The fentanyl crisis, specifically, has impacted communities across the state, leading to a sharp increase in fentanyl poisonings and deaths in recent years.

### Concussion/Head Injury During Athletic Activity (E.C. section 49475)

*[Districts offering an athletic program, other than those conducted during the regular school day or as part of a physical education course, must annually provide a concussion and head injury information sheet to students and parents and must require that the sheet be signed and returned by the student and the student’s parent before the student starts practice or competition. The CIF provides a sample information sheet in both English and Spanish to meet the notification requirement. The information sheet can be found in both English and Spanish at:*

*<http://www.cifstate.org/index.php/the-latest-news/concussions>*

The district offers an athletic program in which your child may wish to participate. By law we must provide you with information regarding concussions and head injuries. Please review with your child the attached information sheet about concussion and head injuries. You and your child must sign and date the sheet where indicated and return it to your child’s school prior to your child beginning practice or competition in our athletic program.



Pupil Mental Health Services Available on Campus or in the Community (E.C. sections 49428 and 49429.5)

[Describe mental health services available for pupils at the schools, if any.]

[Describe mental health services available for pupils in the community.]

## **PARTICULAR EDUCATION ISSUES**

Comprehensive Sexual Health Education, HIV Prevention Education, and Assessments Related to a Student's Health Behaviors and Risks Including Attitudes Concerning or Practices Relating to Sex (E.C. sections 51934-51939)

A parent or guardian of a pupil has the right to excuse their student from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a written "opt-out" process. You may opt out by so advising the district in writing.

The written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection.

Comprehensive sexual health education or HIV prevention education may be taught by school district personnel or by outside consultants.

The date of the instruction is 2-24-25.

The name of the organization or affiliation of each guest speaker is Kern County Superintendent of Schools.

You may request a copy of Education Code sections 51934-51939.

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

Anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex, may be administered to any pupil in grades 7 to 12, inclusive. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a written "opt-out" process. You may opt out by so advising the district in writing.

You will be notified in writing if and when such a test, questionnaire, or survey is to be administered.

You have the right to review the test, questionnaire, or survey.

If the school has received a written request from the student's parent or guardian excusing the pupil from participation in comprehensive sexual health education, HIV prevention education, and assessments related to that education, the student may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

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

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

More information regarding sexual health and HIV/AIDS prevention instruction may be found in the district's BP and AR 6142.1.

Health Instruction Conflicting with Religious Training and Beliefs of Parent or Guardian (E.C. section 51240)

Upon written request, a parent or guardian has the right to excuse their student from any part of a school's instruction in health that may conflict with their religious training and beliefs or personal moral convictions.

Assessments Containing Questions About a Student's Personal Beliefs or Those of Their Family (E.C. section 51513; 20 USC 1232h)

No test, questionnaire, survey, or examination containing any questions about a student's personal beliefs or practices in sex, family life, morality, and religion, or any questions about the pupil's parents' or guardians' beliefs and practices in sex, family life, morality, income, political affiliations, mental/psychological problems and religion may be administered unless:

- The parent or guardian of the pupil is notified in writing that this test, questionnaire, survey, or examination is to be administered; and

- The parent or guardian of the pupil gives written permission for the pupil to take the test, questionnaire, survey, or examination.

More information regarding family privacy and questions pertaining to personal beliefs may be found in the district's BP and AR 5022.

#### Statewide Pupil Assessment Program (E.C. sections 60604 and 60615; 5 CCR 852)

The California Assessment of Student Performance and Progress (CAASPP) is a statewide assessment program that tests the degree to which pupils are achieving the academically rigorous content and performance standards, adopted by the state board, that reflect the knowledge and complex skills that student will need in order to succeed in the information-based, global economy of the 21st century.

A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of the test for the school year. Such a request will be granted.

#### Right to Refrain from Harmful Use of Animals (E.C. sections 32255-32255.6)

Your child may participate in a course during this year that utilizes live or dead animals or animal parts to help your child obtain knowledge, information, or experience required in the course. If your child chooses not to participate in the dissection of animals, and if the teacher believes that an adequate alternative education project is possible, the teacher may work with your pupil to develop and agree upon an alternative education project for the purpose of providing your child an alternate avenue for obtaining the information required by the course. The school will need a signed note from you indicating your child's objection.

#### Homeless Youth Education (42 U.S. 11432; E. C. section 48851)

Homeless students and their parents have various rights regarding public education. Information on this subject is explained in the school district's Education for Homeless Children Policy BP/AR 6173.

#### Minimum Days or Pupil Free Staff Development Days (E.C. section 48980(c))

*If your district's, or a particular school's, schedule for these days is known in time for this Notice, include them in this Notice. It is suggested you provide a calendar to satisfy this requirement. Otherwise, the law requires at least one month's prior notice of the dates.*

#### School Meals

A school district or County Superintendent of School maintaining kindergarten or any of grades 1 to 12, inclusive, shall provide two school meals free of charge during each school day to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-priced meals, with a maximum of one free meal for each meal service period. (E.C. section 49501.5; 42 USC 1758 and 1773)

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (E.C. section 49557.5.)

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year. (CDE's Nutrition Services Division Management Bulletin SNP-03-2017.)

The district shall not direct any action toward a student to collect unpaid school meal fees. (E.C. section 49557.5.)

The district's efforts to collect debt shall be consistent with 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges. (CDE's Nutrition Services Division Management Bulletin SNP-03-2017.)

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss. (CDE's Nutrition Services Division Management Bulletin SNP 06-2015 and SNP-03-2017.)

*(Pursuant to CDE's April 3, 2017 Nutrition Services Division Management Bulletin SNP-03-2017, districts participating in the National School Lunch and/or Breakfast program are mandated to have a written and clearly communicated meal charge policy which includes the collection of delinquent meal charge debt. (CSBA Model BP 3551.) The Annual Notice is one way to communicate the required information to high poverty families.)*

#### Funding for Costs of Advanced Placement Examinations (E.C. section 52242)

A school district may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged pupils.

#### The Rights of Pregnant and Parenting Pupils (E.C. sections 46015, 221.51, and 222.5)

Pregnant and parenting pupils have the right to the following options and accommodations:

- Absence to care for a sick child is an excused absence and the school is prohibited from requiring a note from a doctor for such an absence.
- The school may not exclude nor deny any pupil from any educational program or activity, including class or extracurricular activity, solely on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
- The school may require any pupil to obtain the certification of a physician or nurse practitioner that the pupil is physically and emotionally able to continue participation in the regular education program or activity.
- The school may not require pregnant or parenting pupils to participate in pregnant minor programs or alternative education programs. Pregnant or parenting pupils who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.
- The school must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.
- Pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children.
- A pregnant or parenting pupil is entitled to eight weeks of parental leave, which the pupil may take before the birth of the pupil's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the pupil who gives, or expects to give, birth and the infant, and to allow the pregnant or parenting pupil to care for and bond with the infant.
- A pregnant or parenting pupil who does not wish to take all or part of the parental leave to which they are entitled shall not be required to do so.
- A pregnant or parenting pupil is entitled to receive more than eight weeks of parental leave if deemed medically necessary by the pupil's physician.
- When a pupil takes parental leave, the supervisor of attendance shall ensure that absences from the pupil's regular school program are excused until the pupil is able to return to the regular school program or an alternative education program.

- During parental leave, schools shall not require a pregnant or parenting pupil to complete academic work or other school requirements.
- A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave.
- Upon return to school after taking parental leave, a pregnant or parenting pupil is entitled to opportunities to make up work missed during his or her leave including, but not limited to, makeup work plans and reenrollment in courses.
- Notwithstanding any other law, a pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.
- A pupil who chooses not to return to the school in which he or she was enrolled before taking parental leave is entitled to alternative education options offered by the local educational agency.
- A pregnant or parenting pupil who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.
- A pupil shall not incur an academic penalty as a result of his or her use of the accommodations specified in this subdivision.

### **LIMITED ENGLISH PROFICIENT STUDENTS AND AVAILABLE LANGUAGE ACQUISITION ISSUES**

English Learners/Available Language Acquisition Programs (E.C. sections 310(b)(2), 313.1, 313.2 and 440)

If your child is an English learner, your child may be offered English language development instruction targeted to their English proficiency level and designed to ensure English acquisition as rapidly and effectively as possible. Such programs are designed to be aligned with the state content standards and curriculum framework. They are based on sound instructional theory, use standard-aligned instructional materials, and will assist students in accessing the full educational program.

You will be notified when your child is assessed for English language proficiency within 30 days after the start of the school year. The notice will include:

1. Whether the child is a long-term English learner or English learner at risk of becoming a long-term English learner, as those terms are defined in Section 313.1.
2. The manner in which the program for English language development instruction will meet the educational strengths and needs of long-term English learners or English learners at risk of becoming long-term English learners.
3. The manner in which the program for English language development instruction will help long-term English learners or English learners at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards.

## **SCHOOL RECORDS**

Pupil Records/Notice of Privacy Rights of Parents and Students (E.C. sections 49060 - 49085; 20 USC 1232g; 20 USC 1232h; 34 CFR 99.3; 34 CFR 99.7; 34 CFR 99.30; 34 CFR 99.31; 34 CFR 99.33; 34 CFR 99.34; 34 CFR 99.35; also see district board policy BP/AR 5125)

With certain exceptions, pupil records are confidential and will not be disclosed without your consent. If you have completed and signed a Caregiver's Authorization Affidavit for the purpose of enrolling a minor student in school, you have the right to access the student records of the child for whom you provide care. If you are 14 years old or older and are identified as both homeless and an unaccompanied youth, you may access your student records without parental consent.

Pupil records are any items of information (in handwriting, print, tape, film, microfilm, or other medium) that are directly related to an identifiable student, other than "directory information," and are maintained by the district or required to be maintained by an employee in the performance of his/her duties. Pupil records include the student's health record. District officials responsible for maintaining your child's records are as follows: ***Midway Elementary School District***

When your child enrolls or intends to enroll in another district, agency, or institution, we will forward his or her records to that district, agency, or institution within 10 school days of receiving a request as long as the disclosure is for purposes related to the student's enrollment. Various original records or copies of those records shall be retained permanently by the district.

Additionally, your child's records may be shared with school officials and employees of the district, and other persons connected with the district who have a legitimate educational interest, or other legally authorized purpose, and who may need your

child's records to perform his or her tasks. "School officials and employees" are individuals whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records. A "legitimate educational interest" is an interest held by a school official, employee, or person outside the district, as further defined here and in board policy, whose duties, responsibilities or contractual obligations to the district, whether routine or as a result of special circumstances, require them to have access to student records. Persons outside the district who may have access to particular records that are relevant to their legitimate educational interest, or other legally authorized purpose, include those with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to them by the district, including: contractors, consultants, insurance carriers, claims adjusters, accountants, attorneys, investigators, or other parties to whom the district has outsourced institutional services or functions, including third-party vendors and service providers who provide online educational software and/or services that are part of the district's educational program or who manage certain data stored in a secure cloud computing or web-based system for the district.

For additional information, please see E.C. section 49076 and 34 Code of Federal Regulations section 99.1 and following or the Student Privacy Policy Office, U. S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-4605.

Pursuant to E.C. section 49064, a log or record must be maintained for your child's records listing all persons, agencies, or organizations requesting or receiving information from the records and legitimate interests for that information.

As a parent, you have a right to inspect and review your child's school records, including records possessed by a vendor under contract with the district to provide online services or products, and also including any information about your child collected from social media if the district is operating a social media collection program. To access individual student records, please contact your child's school. You also have a right to challenge the contents of your child's records, have an administrator assist you in interpreting the records, request amendment to ensure they are not inaccurate, misleading, or otherwise in violation of your child's privacy rights, seek expungement of those records, have a district-level hearing to appeal the decision not to change records, and file a complaint with the state and/or United States Department of Education if the district fails to comply with state and federal law with regard to your child's records. If your child's records include information concerning any disciplinary action taken in connection with your student, you have the right to include in the record a written statement or response concerning the disciplinary action. To review policies related to the review and/or expungement of your child's records, please contact your child's school. You also have the right to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any applicable program.



Release of Pupil Directory Information (E.C. sections 49061(c)), 49070, 49073 and 51938; 34 CFR 99.37; 20 USC 7908; 20 USC 1232h; also see district board policy BP/AR 5125)

With certain exceptions, the law requires that the district obtain your written consent prior to disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district that you do not wish this information to be released in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Outside organizations to which directory information may be disclosed include but are not limited to companies that sell class rings, school photography, graduation attire, and/or publish school yearbooks; news media; including but not limited to newspapers, magazines, and radio and television stations; nonprofit organizations; military recruiters; employers; and institutions of higher education.

Directory information is defined by district policy as information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information may include a student's name, address, phone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, and the most recent previous school attended by the student.

By law, the district must give notice to parents of the district's decision to release designated directory information, and must allow a parent to inform the district in writing that any or all of the information designated as directory information should not be released without parent consent. **THIS IS YOUR NOTICE.** If you do not want directory information about your student to be disclosed without your written consent, you must inform your child's school within thirty (30) days from the date of receiving this notification.

Directory information regarding a student identified as a homeless child or youth will not be released unless a parent, or student accorded parental rights, has provided written consent that directory information may be released.

School Accountability Report Card (E.C. section 35256)

The School Accountability Report Card is available on request and is accessible at the following website: ***Midwayschooldistrict.org***. This contains information regarding the quality of the district's programs and its progress toward achieving stated goals.

## COMPLAINTS

Uniform Complaint Procedures (E.C. sections 32289 and 52075; 5 CCR 4600-4670; also see district board policy BP/AR 1312)

The district annually notifies its students, employees, parents or guardians of its students, advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

The district is responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

A. Programs and Activities Subject to the UCP

1. Accommodations for pregnant and parenting students (E.C. section 46015)
2. Adult education programs (E.C. sections 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (E.C. sections 8482-8484.65)
4. Agricultural career technical education (E.C. sections 52460-52462)
5. Career technical and technical education and career technical and technical training programs (E.C. sections 52300-52462)
6. Child care and development programs (E.C. sections 8200-8498)
7. Compensatory education (E.C. section 54400)
8. Consolidated categorical aid programs (E.C. section 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (E.C. sections 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation,

gender, gender identity, gender expression, or genetic information, or any other characteristic identified in E.C. section 200 or 220, Gov't Code section 11135, or Penal Code section 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (E.C. sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2)
12. Every Student Succeeds Act (E.C. section 52059; 20 USC 6301, et seq.)
13. Local Control and Accountability Plan (E.C. section 52075)
14. Migrant education (E.C. sections 54440-54445)
15. Physical education instructional minutes (E.C. sections 51210, 51222, and 51223)
16. Student fees (E.C. sections 49010-49013)
17. Reasonable accommodations to a lactating student (E.C. section 222)
18. Regional occupational centers and programs (E.C. sections 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (E.C. section 64001)
20. School safety plans (E.C. sections 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (E.C. section 65000)
22. State preschool programs (E.C. sections 8235-8239.1)
23. State preschool health and safety issues in license-exempt programs (E.C. section 8235.5)

The district's UCP shall be used to investigate and resolve any complaints alleging failure to comply with federal and state laws and regulations governing

any district program or activity subject to the UCP and/or alleging unlawful discrimination, harassment, intimidation or bullying.

B. Contact Information

The staff member, position, or unit responsible to receive UCP complaints in the district is:

Al Quezada  
Superintendent/Principal  
Midway School District  
259 F Street  
Fellows, Ca 93224  
(661)768-4344 / Fax (661)768-4746  
alquezada@midwaytigers.com

C. Investigation and Decision

Complaints will be investigated and a written report with a Decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with the district's UCP policies and procedures.

The complainant has a right to appeal the district's Decision to the California Department of Education by filing a written appeal within fifteen (15) days of receiving the district's Decision. The appeal must be accompanied by a copy of the originally filed complaint and a copy of the district's Decision.

The district advises any complainant of civil law remedies including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of the district's UCP shall be available free of charge.

Complaints Regarding Textbooks and Other Instructional Materials, Teacher Vacancies or Mis-assignment and the Condition of School Facilities (E.C. sections 17592.72, 35186 and 35292.5; 5 CCR 4680-4687)

The district has a complaint process specifically designed to help identify and resolve insufficiencies related to textbooks and other instructional materials, teacher vacancies or mis-assignment, the condition of school facilities, and non-compliance with the requirement that feminine hygiene products are made available in bathrooms at no charge to students in low income schools. The complainant is entitled to an

investigation and a response from the district. Additionally, such complaints may be filed anonymously.

### Complaints Regarding Employees

The district also has a process which permits the public to submit complaints against district employees in an appropriate and expeditious way which protects the rights of involved parties and holds employees accountable for their actions without disrupting the educational process.

### Complaints Regarding Discrimination and Discriminatory Harassment (Section 504 of the Rehabilitation Act of 1973, Title VI Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972; 34 CFR 104.8, 34 CFR 106.9 and 34 CFR 110.25)

The district is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, immigration status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

You have certain rights under the law, including Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin, Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, Section 504 of the Vocational Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA), which prohibit discrimination on the basis of disability. The California Department of Education and the Office for Civil Rights of the U. S. Department of Education have authority to enforce these laws and all programs and activities that receive federal funds. Complaints or inquiries regarding compliance with Section 504 or Title II of the Americans with Disabilities Act may be directed to the district Section 504 Coordinator **[Name, Address, and Phone Number]** or to the Director of the Office for Civil Rights, U.S. Department of Education, Washington, D.C.

Complaints of unlawful discrimination are investigated through the uniform complaint process. For a complaint form or additional information, please contact: **[Name, Title or Position, Address, and Phone Number]**.

### Safe Place to Learn Act (E.C. sections 220, 221.5, 234-234.5, 48900(r) and 48985)

*The Safe Place to Learn Act requires that each district posts its nondiscrimination policy in all schools, offices, staff lounges, and student government meeting rooms. It is also advised that this policy be posted on the district's website and distributed with the Annual Notice. If 15 percent or more of a school's students speak a single primary*

*language other than English, the nondiscrimination policy, related complaint procedures, and all complaint forms must be translated into that other language.*



The district is committed to providing a safe school environment that is free from harassment, discrimination, intimidation and bullying and allows all students equal access and opportunities in the district's academic and other educational support programs, services, facilities, and activities. The district prohibits unlawful discrimination, harassment, sexual harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, immigration status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics at any school activity or school attendance occurring within a school **under the jurisdiction of the local educational agency, and all acts of the governing board or body of the local educational agency, the superintendent of the school district, and the county superintendent of schools in enacting policies and procedures that govern the local educational agency.** Students who engage in discrimination, harassment, intimidation, bullying, or retaliation will be disciplined.

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, or who has experienced off-campus sexual harassment that has a continuing effect on campus, 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. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

For copies of the district's anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies or to file a complaint regarding a violation of these policies using the uniform complaint procedures form, please contact the district's Coordinator for Nondiscrimination ***[insert name and phone number]***.

Each student is permitted to participate in sex-segregated school programs and activities and access facilities consistent with the student's gender identity, irrespective of the gender listed on the student's records. To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students, the district will address each situation on a case-by-case basis in accordance with law and board policy. If any student believes his/her privacy or

religious beliefs and/or practices require increased privacy, the student may contact the district's Coordinator for Nondiscrimination ***[insert name and phone number]***.

Sexual Harassment/Discrimination and Title IX Complaint Procedures (E.C. sections 212.5, 220, 231.3, 234.1 and 48980; 20 USC 1681-1688; and 34 CFR 106.1-106.82)

*[34 CFR 106.8 requires school districts to provide notice to students and parents/guardians of its policy prohibiting sexual harassment. Grievance procedures must provide for the prompt and equitable resolution of sexual harassment complaints. In addition, school districts must provide the Title IX Coordinator's contact information on its website and in any handbook for students or parents/guardians. Further, state law (E.C. sections 231.5, 231.6, 234.6, and 48980) requires distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's website, in school offices, and in a poster displayed in locker rooms and bathrooms.]*

The district's policy prohibiting sexual harassment of and by students (as well as others) in a school setting and related complaint procedures required by Title IX are set out by district board policy BP/AR 5145.7 and 5145.71 regarding students. Also, BP/AR 4119.11, 4219.11, 4329.11, 4119.12, 4219.12, and 4319.12 regarding employees.

The district prohibits sexual discrimination and has procedures for the prompt and equitable resolution of sexual harassment/discrimination complaints.

Students, their parents or anyone else, who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student, an employee or a third party, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact a teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

Similarly, anyone who has witnessed or otherwise learned of school-related sexually harassing behavior are strongly encouraged to report the conduct.

A report may be made at any time, including during non-business hours, and either in person, by mail, phone, or email.

Any employee who receives a report or observes an incident of sexual harassment must immediately notify the school district's Title IX Coordinator.

Sexual harassment means any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. Examples include:

1. Unwelcome leering, sexual flirtations, or propositions;
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions;
3. Graphic verbal comments about an individual's body or overly personal conversation;
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature;
5. Spreading sexual rumors;
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class;
7. Massaging, grabbing, fondling, stroking, or brushing the body;
8. Unsolicited touching of an individual's body or clothes in a sexual way;
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex;
10. Displaying sexually suggestive objects;
11. Sexual assault, sexual battery, or sexual coercion; and
12. Electronic communications containing sexual comments, words, or images.

The district has designated and authorized the following employee as the district's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

[Name]  
[Title/Position]  
[Address]  
[Telephone No.]  
[Email Address]

The Title IX Coordinator will review the allegations and see that they are investigated and resolved per district policy AR 5145.71 and as required by Title IX of the Education Amendments Act of 1972. If sexual harassment is found, the Title IX Coordinator will see that prompt action is taken in order to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.



## MISCELLANEOUS

### Local Control and Accountability Plan (E.C. sections 52060-52077)

*[E.C. section 52075 requires districts to include information about the legal requirements related to the Local Control and Accountability Plan in their Annual Notice.]*

The district is required to adopt a three-year Local Control and Accountability Plan (LCAP) and to update the LCAP on or before July 1 of each subsequent year. The LCAP is required to identify annual goals, and specific actions geared toward implementing those goals, and must measure progress for student subgroups across multiple performance indicators based on eight priorities set by the state. The priorities must be aligned to the district's spending plan. The LCAP must be approved before the annual district budget can be adopted. Once the budget and the LCAP are adopted at the local level, the plan will be reviewed by the County Superintendent to ensure alignment of projected spending toward goals and services. The following are the eight state priorities:

1. Providing all students access to fully credentialed teachers, instructional materials that align with state standards, and safe facilities;
2. Implementation of and student access to state academic content and performance standards;
3. Parent involvement and participation;
4. Improving student achievement and outcomes along multiple measures;
5. Supporting student engagement;
6. Highlighting school climate and connectedness;
7. Ensuring all students have access to classes that prepare them for college and careers; and
8. Measuring other important student outcomes related to required areas of study.

The board of education is required to establish a parent advisory committee (PAC) and English learner parent advisory committee (ELPAC) to provide advice to the board of education and the Superintendent regarding the LCAP. (ELPACs are required if enrollment in the district includes at least 15 percent English learners and the district enrolls at least 50 pupils who are English learners. Districts are not required to establish a new ELPAC if an English learner parent committee has already been established). PACs must include parents or legal guardians of low-income students,

English learner students, and foster youth.

Each district is required to consult with its teachers, principals, administrators, other school personnel, local bargaining units, parents, and pupils in developing the LCAP. As part of this consultation process, districts must present their proposed plans to the PAC and ELPAC. The advisory committees can review and comment on the proposed plan. Districts must respond in writing to the comments of the PAC and ELPAC. Districts are also required to notify members of the public that they may submit written comments regarding the specific actions and expenditures proposed in the LCAP.

Districts must hold at least two public hearings to discuss and adopt (or update) their LCAPs. The district must first hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan and then adopt (or officially update) the LCAP at a subsequent hearing.

Districts are required to post the LCAP approved by the board of education, and any updates or revisions to the LCAP, on the district's website, and establish policies for filing a complaint of noncompliance under E.C. section 52075 using the uniform complaint procedures. Information regarding the requirements for the LCAP and the complaint process must be provided to pupils, parents/guardians, and employees on an annual basis.

#### Miscellaneous Parental Rights (E.C. section 49091.10)

The Education Empowerment Act of 1998 establishes various rights for parents in addition to other rights identified in this Annual Notice. Your rights as a parent include the following:

**Inspection of Instructional Materials:** All primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, audio and video recordings, and software shall be compiled and stored by the classroom instructor and made available promptly for your inspection in a reasonable time frame or in accordance with procedures determined by the district's governing board.

**Observation of School Activities:** You have the right to observe instruction and other school activities that involve your child in accordance with procedures determined by the district's governing board to ensure the safety of pupils and school personnel and to prevent undue interference with instruction or harassment of school personnel. Reasonable accommodation of parents will be considered by the district's governing board. Upon written request, school officials will arrange for observation of a requested class or classes or activities in a reasonable time frame and in accordance with procedures determined by the district's governing board.

Consent for Evaluations: Your child may not be tested for a behavioral, mental, or emotional evaluation without informed written parental consent.

Affirmation or Disavowal of Beliefs: A pupil may not be compelled to affirm or disavow any particular personally or privately held world view, religious doctrine, or political opinion. The law does not relieve pupils of any obligation to complete regular classroom assignments.

### Other Parental Rights (E.C. section 51101)

The rights of parents of district pupils include the following:

1. To observe in your child's classroom (upon reasonable notice).
2. To meet with your child's teacher and the school principal (upon reasonable notice).
3. To volunteer your time and resources at the school.
4. To be notified on a timely basis if your child is absent from school without permission.
5. To be notified concerning your child's classroom and standardized test performance.
6. To request a specific school and teacher and to receive a response from the district. (This does not obligate the district to grant the request.)
7. To have a safe learning environment for your child.
8. To examine curriculum materials of your child's class.
9. To be informed of your child's progress and appropriate school personnel to contact in the event of problems.
10. To access student records for your child.
11. To receive information concerning expectations for student learning.
12. To be informed in advance about school rules, policies, dress codes, and procedures for visiting the school.
13. To receive information about any psychological testing of your child and to deny permission for such testing.

14. To participate as a member of any school site councils or parental advisory councils at the school, in accordance with governing membership.
15. To question, and receive an answer regarding, items in your child's record that appear inaccurate, misleading, or that invade privacy.
16. To be notified, as early in the school year as practicable, if your child is identified as being at risk of retention and of your right to consult with school personnel responsible for a decision to promote or retain your child and to appeal a decision to retain or promote your child.
17. Parents and guardians whose primary language is not English shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school.

The Professional Qualifications of Your Student's Teacher(s) (34 CFR 200.61)

***[Optional; provide if district receives Title I funds]***

Federal law requires that the district tell you about your right to request information about the professional qualifications of your student's teacher(s). The same right extends to information about any paraprofessional assigned to work with your student.

You are entitled to ask for the following information:

- Whether the teacher has met state credential or license criteria appropriate to the grade level and subject matter in the class.
- Whether the teacher serves under an emergency permit or other provisional authorization.
- Whether the teacher is teaching in the field of discipline of the certification of the teacher.
- Whether your student is provided services by a paraprofessional, and if so, that person's qualifications.

To submit a request for information about the qualifications of your student's teacher(s) or paraprofessional(s), please contact your student's school.

Technology, Use of the Internet and/or Online Sites and Online Advertising (20 USC 6777; 20 USC 1232g and 20 USC 1232h; E.C. sections 35182.5 and 49073.1)

The district provides internet connections for many students during the educational day, and those internet connections are filtered using a software program or programs

designed to eliminate access to visual depictions that are obscene, child pornography, or harmful to minors. While the filters are designed to prevent connections to such material, new websites and material are added to the internet every day and the district is unable to ensure that each and every inappropriate website or all such material will be blocked.

The district provides technology to students in many educational programs, including computers or electronic devices such as tablets or iPads or similar devices, and also provides Internet access as required for an educational program. Student use of such technology is subject to an Acceptable Use Policy and Agreement which describes acceptable and unacceptable uses of both the Internet connections and the computers or devices. Acceptable uses include communications between teachers and students about class assignments and other classroom topics, and between students on cooperative or collaborative learning projects. During that communication, which may include the use of social media (such as a district-sponsored Facebook page or similar types of social media), personally identifiable information may be shared by your student with other students and the teacher. The district prohibits disclosure of such information outside the classroom assignment/environment but cannot ensure that recipients of the information will comply with the restrictions. Unauthorized disclosures may lead to disciplinary action. If you do not want your student to be subjected to the risk of unauthorized disclosure of personally identifiable information that is disclosed by your student in the classroom assignment/environment, you will have an opportunity to so declare when required to read and agree to the Acceptable Use Policy and Agreement for your student. Refusal to sign the Acceptable Use Policy and Agreement will prevent your student's participation in such educational programs and may require transfer of your student to a technology-free classroom or environment.

The district may also permit personal devices to be used at school, which is also regulated by the Acceptable Use Policy and Agreement. Students' use of their personal devices may involve unintentional disclosure of personally identifiable information about your student via non-district software programs (apps) your student has on the personal device, or which other students may have on their personal devices, some of which are known to collect and use personal information for purposes having nothing to do with the district's educational program. Your permission for your student to bring and use a personal device on campus will be the subject of a written agreement and may be part of the Acceptable Use Policy and Agreement. Refusal to sign the Acceptable Use Policy and Agreement or other agreement will prevent your student's use of a personal device in such educational programs. If you do not consent to such disclosures via data collecting software present on the personal devices of other students, your student will not participate in such educational program and may be transferred to a technology-free classroom or environment.

The district does not intend to subject students to any advertising and will take steps to prevent advertising that targets students based on the advertiser's use of personally

identifiable information. However, due to financial constraints under which the district is otherwise unable to provide the product or service which the advertising accompanies or to which it is attached, the district may be required to permit some advertising that is not targeted at individual students. Any such product or service will have been found by the district to be an integral component of pupil education. Parents/guardians of students in these programs may request that their student not be exposed to this advertising and the district will comply. This means your student will not participate in the educational program but will be required to obtain the educational benefit via a different method if the district is unable to block or otherwise avoid the advertising being presented to your student.

The district uses or contemplates using the following third-party vendors of data storage/ management products and services and educational software products and services from third-party vendors, including cloud-based services:

These third-party technology vendors are considered school officials with whom students' personally identifiable information can be shared without parental consent because they have a legitimate educational interest in the education records generated by or filtered through their software.

The district's contract with third-party vendors of products and services will include legally required contractual provisions, including requirements to maintain the confidentiality of pupil information and also including parental right to review pupil records and correct erroneous information.

### Distance Learning

Distance learning can be a viable alternative instructional strategy that supports student achievement of academic goals. Distance learning opportunities may be offered to students participating in independent study, credit recovery courses, enrichment courses, or other courses identified by the Superintendent or designee, or in the event that a school site is physically closed due to widespread illness, natural disaster, or other emergency condition making a school site unsafe or otherwise interrupting the district's ability to effectively conduct operations at a school site.

The district may offer distance learning through a variety of delivery methods as appropriate for the grade level and subject matter. Distance learning opportunities may include video, audio, and/or written instruction in which the primary mode of communication between the student and teacher is online interaction, instructional television, live or prerecorded video, telecourses, and other instruction that relies on computer or communications technology. They may also include the use of print materials with written or oral feedback. As appropriate, courses may be self-directed to allow students to complete assignments at their own pace and/or may involve real-time interaction among the teacher and students.

To ensure that distance learning opportunities are available to all students, the district may contract with third parties for technological devices and the internet connections and, consistent with the district's budget and technology plan, may loan devices to students to use at home and/or assist families in identifying free service providers. Students are expected to use district technology responsibly in accordance with the district's Acceptable Use Agreement. In a distance learning environment, there may not be an option for you to elect a technology-free classroom or environment and personally identifiable information may be shared by your student with other students and the teacher, and any online vendors or service providers under contract with the district.

The district reserves the right to monitor student use of district technology within the jurisdiction of the district without advance notice or consent. Students' use of district technology including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in use of the district technology. Students' personally owned devices used with any district technology shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

#### Kern Integrated Data System

The district is participating, or will participate in the future, in the Kern Integrated Data System which is a database of student and other information from educational agencies of all types in Kern County, the purpose of which is to increase the rate of student achievement for Kern County students by providing structure and a framework for sharing personally identifiable student information, consistent with the terms, conditions, limitations, and exclusions on sharing information by primary, secondary, and postsecondary institutions set forth in law, for the purpose of studying, analyzing, tracking, and improving student progress in a manner compliant with both state and federal law on student data privacy.

#### Code of Conduct for Employee-Pupil Interactions (E.C. section 44050 and BP sections 4219.21, 4119.21 and 4319.21)

The district has a code of conduct for employees that includes employee interaction with pupils. Inappropriate employee conduct toward students includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon.

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed.
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child.
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student.
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time.
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members.
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action.
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity.
9. Being dishonest with students, parents/guardians, staff, or members of the public including, but not limited to, falsifying information in employment records or other school records.
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information.
11. Causing damage to or engaging in theft of property belonging to students, staff, or the district.
12. Wearing inappropriate attire.
13. An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of, but fails to report, inappropriate employee conduct may also be subject to discipline.
14. The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who



retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

## Know Your 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 federal and state 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 Plan 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 contracts, 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 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.

#### Programs to Encourage Parental Involvement/Annual Objectives (E.C. section 11503, 20 USC 6312 and 20 USC 6318)

To ensure that parents/guardians and family members of students are provided with opportunities to be involved in their children's education, each year the district endeavors to involve parents/guardians and family members by:

- Establishing district-level parent advisory committees;
- Inviting input from district committees and school site councils;
- Providing information about opportunities for parents/guardians and family engagement through the district newsletter, website, or other written or electronic means
- Providing copies of working drafts to parents/guardians;
- Providing a master calendar of district activities and district meetings;

- Ensuring that there is an opportunity at a public board meeting for public comment; and
- Assisting parents/guardians in understanding the state academic content standards and academic achievement standards, state and local academic assessments, and how to monitor a child's progress.

A more complete discussion may be found in board policy BP and AR 6020 and in the district's LCAP Annual Update posted on the district's website.

#### Procedures for Preventing Acts of Bullying, including Cyberbullying (E.C. section 234.1)

Any complaint of bullying must be investigated and, if determined to be discriminatory bullying, resolved in accordance with law and the district's uniform complaint procedures specified in board policy AR 1312.3. Discriminatory bullying includes bullying on the basis of race, color, national origin, sex, sexual orientation, gender identity or expression, age, disability, and/or another legally protected category. When "discriminatory bullying" is committed and the bullying is sufficiently serious to create a hostile educational environment for the alleged victim to otherwise deny or limit the student's educational benefits and services, including denial of a free appropriate public education, the victim must be afforded the protections specified under relevant state and/or federal law.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

The district must develop strategies for addressing bullying in its schools and do so with the involvement of students, parents/guardians, and staff. District may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

For more information regarding the district's general anti-bullying policy please review board policy BP and AR 5131.2 and 5145.3.

#### Child Health and Disability Prevention Program (CHDP) (Health and Safety Code sections 124025–124110; E.C. section 49452.8)

Good health, including good oral health, is important to your child's learning and successful academic career. State law requires that students have a comprehensive health screening within 18 months prior to each child entering into the first grade or within 90 days thereafter. The parent must present evidence of the comprehensive health screening on the "Report of Health Examination for School Entry" certification form provided by the Department of Health Care Services, signed by the student's health examiner certifying that the student has completed a comprehensive health

screening within 18 months prior to entry into first grade or within 90 days thereafter. Likewise, state law requires that by May 31 of your child's first school year in a public school, proof of an oral health assessment by a licensed dentist must be presented. You may file with the district a written objection or waiver stating the reasons if you are unable to obtain such services. Your child may be sent home if you fail to provide the certificate or waiver, or if your child is suspected to be suffering from a contagious disease. You may find it convenient to have your child immunized at the same time that the comprehensive health screening is conducted.

**\*\*\*The CHDP program is in transition. The Department of Health Care Services will be updating the public on July 1, 2024. We will have more information then.**

Vision Appraisal (E.C. section 49455)



The district is required to appraise each student's vision upon initial enrollment and in grades 2, 5, and 8, except that a student first enrolling in grade 4 or grade 7 will not be reappraised the following year. The appraisal will include tests for tests for **near vision, far vision, and color vision**; however, color vision will be appraised once and only on male students. The evaluation may be waived upon presentation of a certificate from a physician and surgeon, physician's assistant, or optometrist setting out the results of a determination of the student's vision, including visual acuity and color vision. The appraisal does not apply to a pupil whose parent/guardian files with the principal a written statement that they adhere to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depend on prayer for healing in the practice of their religion.

