

CALIFORNIA EDUCATION CODE
PARENTAL NOTIFICATION REQUIREMENTS

Title II, Chapter 6, Article 4 Section 48980 requires that each parent or guardian be notified of the following California Education Code sections, which have been paraphrased for your convenience; and **Section 48982** that each parent or guardian, by signature, acknowledges receipt of notification.

Title VI, Civil Rights Act of 1964

The school district does not discriminate on the basis of race, color, national origin, sex or handicap or on the basis that a person has limited English language skills.

Section 221.5 and U.S. Title IX – Career Counseling and Sex Discrimination

Course selection, vocational and educational counseling may not discriminate due to the sex of the student. A District grievance procedure is provided in cases of alleged sex discrimination. Copies of this procedure may be obtained from the District Office.

Section 231.5 – Sexual Harassment

Board Policy 5145.9 states “The Board shall not tolerate the sexual harassment of any student by any other student or any district employee. Any student or employee who is found guilty of sexual harassment shall be subject to disciplinary action.”

Section 763.93 – Code of Federal Regulations, Title 40 {40(FR)}

A copy of the District’s management plan for asbestos is available at the District Office.

Section 12550, 12556 – Imitation Firearms

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

Section 17612 – Notification of Pesticide Use; Active Ingredients; Internet Address to Access Information

Requires district to annually notify staff and parents of all pesticide products expected to be applied at a school during the year. Notice to identify active ingredient(s) in each product, an internet address on pesticide use and reduction developed under §13184 of the Food and Agricultural Code, and provide opportunity for parent to register with district to receive notification of individual pesticide applications, as specified. Further requires posting of warning signs prior to and after pesticide application and separate notification for pesticide applications not included in annual notification, as specified.

Section 32255 – Pupil’s Rights to Refrain from the Harmful or Destructive Use of Animals

Teachers shall notify parents and pupils of the pupil’s rights from the harmful or destructive use of animals. The student shall notify his or her teacher regarding this objection, which must be confirmed by a note from the parent. Upon such notification, the teacher may work with the pupil to develop and agree upon an alternative. Decision of the teacher shall not be arbitrary or capricious.

Section 32289 – Uniform Complaint Procedures

To authorize filing of Uniform Complaint for noncompliance with school safety planning requirements of Title IV of the NCLB {20 USC § 7114 (d)(7)}.

Section 35160.5 – Intradistrict Open Enrollment

Students who reside in either the Carver or Valentine attendance zones may apply for enrollment in either school. If a parent or guardian selects this option, the District will not provide transportation in order for a student to attend the other school. This is subject to limitations expressed in Board Policy 5116. For a copy of this policy contact the Superintendent’s Office.

Section 35182.5 – Limitations on Contract; Public Hearing Requirements; Sale of Advertising Products

Requires school board to hold public hearing for parents, guardians, pupils, and others to comment on contract for advertising or for sale of non-nutritious food or beverages. Board to clearly identify in the agenda contract to be discussed.

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Section 35183.5 – Sun Protection

Requires school sites to allow, for outdoor use during school day, articles of sun-protective clothing including, but not limited to, hats. Authorizes sites to set policy regarding type of clothing to be allowed. Students may use sunscreen during the school day without a physician's note or prescription. Authorizes school sites to establish a policy regarding the use of sunscreen.

Section 35186 - Supplemental Uniform Complaint Procedure (Williams)

Requires district to establish policies and procedures regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff and teacher vacancy or misassignment. Content of classroom notice amended to require mention that there should be no teacher vacancies or misassignments, as defined. Further requires district to use Uniform Complaint Procedures (5 CCR §§ 4600 et seq.) to identify and resolve complaints regarding those issues. Sets forth different timelines for investigation and resolution of complaints then timelines specified under Uniform Complaint Procedures.

Section 35256, 35258 – School Accountability Report Card, Internet Accessibility

A copy of your school's accountability report card is available in the Principal's Office and will be provided by mail if so requested. Requires district to develop for each school a school accountability report card. Content of report card defined under EC §33126, amended for 2006-2007, to include revised estimated expenditures per pupil and types of services funded, e.g. personnel salaries; schools identified by governing board as having insufficient textbooks or instructional materials including percentage of pupils lacking sufficient standards-aligned textbooks or instructional materials by subject area; and career technical education data measures, as specified. Content further defined under EC §§ 32286 (school safety plan) and 52056 (Academic Performance Index). Schools encouraged to make concerted effort to notify parents of purpose of school accountability report cards, ensure that all parents receive copy of the report card, and ensure that districts with internet access make copies of report available through internet. Further requires notification to parents that copy will be provided upon request.

Section 35291 – Standard of Discipline

Standards of discipline are developed at each school. Copies of these standards may be obtained from the principal(s) of the schools attendance.

Section 37254

Requires school districts that receive intensive instruction funds under Education Code 37254 to ensure that all pupils who have not passed one or both parts of the CAHSEE by the end of grade 12 are notified in writing at the last known address before the end of each school term of the availability of intensive instruction services in sufficient time to register for or avail themselves of those services each term for two consecutive academic years. Students must also be notified in writing of their rights to file a complaint pursuant to the district's Uniform Complaint Process. This notice must be posted in each school and district office and on the internet website of the school district. Further, the notice must comply with the translation requirements of EC 48985.

Section 44579 – Pupil Free Staff Development Days

The District is required to notify parents at least one month in advance of any pupil free staff development days.

Section 44807 – Duty Concerning Conduct of Pupil

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

Section 46010 – Notification of Confidential Medical Services

This District is required to notify parents that pupils in grades 7 through 11 may obtain confidential medical services without parent consent if the Board of Education adopts such a policy. The Board of Education has not chosen to release pupils under this provision.

Section 46010.1 – Absence for Confidential Medical Service

A November 2004, California Attorney General Opinion concludes that a district may not adopt a policy under which the district will notify a parent when a student leaves school to obtain confidential medical services, nor may a district require a student to obtain written parental consent prior to releasing student from school to receive confidential medical services.

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Section 46014 – Absences for Religious Purposes

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

Section 46600 – Interdistrict Transfer

Students may apply for an interdistrict transfer permit pursuant to the provisions of 46600. The parent or legal guardian of a pupil may seek release from their home district to attend a school in any other school district. The terms and conditions for release or acceptance are set by the home and accepting districts. School districts may enter into agreements for the interdistrict transfer of one or more pupils for a period of up to five years.

Section 48204 – Employment – Related Interdistrict Transfer

The District will advise parent or guardian of the availability of the employment-based school attendance options for elementary pupils pursuant to subdivision (f) of Section 48204.

Section 48205 – Absences for Personal Reasons

Students shall be excused from classes for court appearances, religious ceremony or holiday and/or employment conferences upon written approval of parents or guardians. These absences are counted as excused but do not generate income for the District. No pupil shall have his or her grade reduced or lose academic credit for any excused absence or absences, if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

Section 48205 (a)

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

- 1) Due to his or her illness.
- 2) Due to quarantine under the direction of a county or city health officer.
- 3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- 4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside of California.
- 5) For the purpose of jury duty in the manner provided for by law.
- 6) Due to the illness or medical appointment, during school hours, of a child of whom the pupil is the custodial parent.
- 7) For justifiable personal reasons including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative, pursuant to uniform standards established by the governing board.
- 8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Election Code.

Section 48207 – Instruction for Temporarily Disabled Students

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

Section 48208 – Parent or Guardian Notification of Temporary Disability

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

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Section 48209 – Interdistrict Choice

Provides that school district may establish a program of interdistrict choice which allows students whose parent(s) or guardians(s) live outside district attendance boundaries to attend school within the district. Selection, which may be limited pursuant to Board Policy, shall be based on a random, unbiased process. This permissive statutory option is not currently available to students who reside outside district boundaries.

Section 48216 – Proper Immunization

The school district may exclude any pupil not properly immunized and will notify the parent or guardian that they have two weeks to supply evidence that the pupil has been properly immunized or that the pupil is exempt from the immunization requirements as specified in HSC Section 120365 and 120370.

Section 48850 et seq. – Foster Pupils

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

Section 48900—Grounds for Suspension and Expulsion

(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

- (1) While on school grounds.
- (2) While going to or coming from school.
- (3) During the lunch period whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

(v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

Section 48900.1 – Attendance of Suspended Child's Parent or Guardian for Part of School Day

When a teacher has suspended a child from class, the teacher may require the parent or guardian to attend class with that child upon return from suspension. If the teacher does require such attendance and that poses a hardship for the parent or guardian in regard to the parent or guardian's employment, the employer may not impose sanctions on the parent or guardian. Allow district to adopt board policy requiring parent to attend portion of school day in child's classroom, under specified circumstances. If district chooses to adopt policy under EC § 35291, annual notification required under EC § 48980 (a).

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Section 48980

- (a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472, and 51938 and Chapter 2.3 (commencing with Section 32255) of Part 19 of Division 1 of Title 1.
- (b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9 (commencing with Section 49510) of Chapter 9.
- (c) The notification also shall advise the parents and guardians of all pupils attending a school within the school district of the schedule of minimum days and pupil-free staff development days, and if any minimum or pupil-free staff development days are scheduled thereafter, the governing board of the district shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.
- (d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to, United States savings bonds.
- (e) The notification shall advise the parent or guardian of the pupil that each pupil completing grade 12 is required to successfully pass the high school exit examination administered pursuant to Chapter 9 (commencing with Section 60850) of Part 33. The notification shall include, at a minimum, the date of the examination, the requirements for passing the examination, and shall inform the parents and guardians regarding the consequences of not passing the examination and shall inform parents and guardians that passing the examination is a condition of graduation.
- (f) Each school district that elects to provide a fingerprinting program pursuant to Article 10 (commencing with Section 32390) of Chapter 3 of Part 19 of Division 1 of Title 1 shall inform parents or guardians of the program as specified in Section 32390.
- (g) The notification shall also include a copy of the written policy of the school district on sexual harassment established pursuant to Section 231.5, as it relates to pupils.
- (h) The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.
- (i) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within their districts its district and that the districts strive to make available enrollment options that meet the diverse needs, potential, and interests of the pupils of California.
- (j) The notification shall advise the parent or guardian that a pupil shall not have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.
- (k) The notification shall advise the parent or guardian of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Section 52244.
- (l) The notification to the parent or guardian of a minor pupil enrolled in any of grades 9 to 12, inclusive, also shall include the information required pursuant to Section 51229.

Section 48980.3 – Pesticides and Pesticides Products

The District shall notify staff and parents annually of all pesticide products expected to be used at the school facility during the year. The notice shall identify the active ingredient (s) in each product and contain the internet access address on information about pesticides. Parents will be notified through individual school newsletters of upcoming pesticide applications. Requires annual notification to include information regarding pesticide products applied at schools as specified in EC § 17612 (a).

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Provisions of the Education Code 49060 through 49073 have authorized parents, in consultation with school personnel, to inspect the school records of their children. Federal legislation further emphasizes the parent's right to review their children's school records.

The San Marino Unified School District maintains the following types of pupil records: (1) the permanent cumulative record (birth date, enrollment dates, subjects, grades, achievement test scores and teacher anecdotal comments); (2) health care; (3) a student information card; and (4) a confidential case study (developed only with parent permission). The school principal or his/her designee, and the Assistant Superintendent of Instruction, or his/her designee, are responsible for maintaining pupil records. School district officials and employees who have a legitimate education interest have access to the records. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. If, at any time, you wish to inspect the school records of your child, please contact the school principal. Copies of any pupil record may be obtained for \$0.25 per page.

If, after review, you feel that any information contained in the record is inaccurate, misleading, or otherwise inappropriate as defined by federal and state law, you will be given an opportunity to file a written request with the superintendent of the school district for removal or correction of the objectionable information and, if necessary, a hearing will be scheduled to consider the objections. You also have a right to include, as part of the record, a statement of your objections to information in the record or to any record of disciplinary action taken by the school.

Other provisions of federal and state laws protect your rights by restricting the release of information from students' records. Only specified individuals and agencies have access to such information under the law, and such persons reviewing the record must sign a statement indicating the purpose of the review and restricting any further release of information. Other persons may be permitted to review the records with the written consent of the parent(s) or the student who is 18 years of age or older.

There are organizations working on behalf of young people who have an occasional or continuing need for "directory information" about students. Education Code Section 49061 defines what categories of directory information may be released: the student's name address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, major field of study, degrees and awards received, dates of attendance and the most recent previous school attended. The San Marino Unified School District intends to provide, upon request, directory information concerning presently enrolled or former pupils to: the PTA, the San Marino Schools' Foundation, designated school photographer providing a service to the school, organizations seeking scholarship applicants, employers or prospective employers, representatives of the news media, law enforcement personnel, county probation personnel and county protective services agency staff. In addition, names and addresses of pupils enrolled in 12th grade or who have left school prior to graduation may be given to private schools or colleges and universities operating under provisions of Division 21, to military government recruiters and, state and federal elected representatives. Should any parent or adult object to the release of directory information, he/she must notify the school district of his/her written prohibition of the receipt of this notification.

A permanent record file for each student is maintained by the District. This record contains all data relative to the educational activities of students and may be reviewed by parents, students who have completed the 10th grade, or who are 16 years of age or older. Materials in these records may be challenged by the parent and copies of the records may be obtained at a cost of \$.25 per page, not to exceed \$2.00. Each principal is responsible for maintaining the records of students in their school. A log is kept indicating any requests for student information from persons, agencies, or organizations other than those authorized in writing by parents and District personnel.

Section 49403 – Immunization for Pupils

The District shall cooperate with the County Health Department in administering immunizing agents to prevent or control communicable diseases to pupils whose parents have consented in writing to such immunization. Effective August 1, 1997, all children entering kindergarten shall be fully immunized against Hepatitis B.

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Section 49408 – Emergency Information

Parents are required to keep current, at the pupil's school, emergency information including the parent's home and business addresses and telephone numbers. They must also provide the name, address and telephone number of a relative or friend authorized to care for the pupil in an emergency if the parent cannot be reached. PLEASE NOTIFY THE HEALTH OFFICE IF THERE HAVE BEEN ANY CHANGES IN THE EMERGENCY INFORMATION SUCH AS TELEPHONE NUMBERS, DOCTOR'S NAME, PARENT(S) BUSINESS ADDRESS, AND PERSONS TO BE CONTACTED IN CASE OF EMERGENCY. IT IS MOST ESSENTIAL THAT THIS DATA BE CURRENT.

Section 49423 – Student Medication and Administration of Prescribed Medication

Any pupil who is required to take, during the regular school day, medication prescribed by a physician or surgeon, may be assisted by the school nurse or other designated school personnel or may carry and self-administer prescription auto-injectible epinephrine if the school district receives the appropriate documentation.

Section 49423.1 – Inhaled Asthma Medication

Any pupil who is required to take, during the regular school day, medication prescribed by a physician or surgeon, may be assisted by the school nurse or other designated school personnel or may carry and self-administer inhaled asthma medication if the school district receives the appropriate documentation.

Section 49451 – Physical Examinations

Parents may file a written statement annually with the school principal stating that they will not consent to routine physical examinations of their child and the child will then be exempt from such examinations. When there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, however, he/she shall be excluded from school attendance.

Section 49472 – Accident Insurance

The District may make available accident insurance for injuries to pupils occurring during the regular school day at school, or elsewhere at a school-sponsored activity or while in transit. The cost shall be paid by the parent or guardian.

Section 49480 – Continuing Medication

Required parents or legal guardians of pupils needing daily medication to inform the school nurse, or other designated certificated employee, of the medication, the current dosage, and the supervising physician.

Section 49520 – Family Nutrition Educational Services Act

The District provides one nutritionally adequate meal free or at reduced price each day to needy children. Forms are available at each school office.

Section 51101.1 – Rights of Parents and Guardians Who Lack English Fluency

Amends parents rights to include being given any required written notification, under any applicable law, in English and the pupil's home language under EC §48985. Encourages schools with substantial number of pupils with a home language other than English to establish parent centers with staff that can communicate with the parents or guardians.

Section 51201.5 – AIDS Education

Parents will be notified when AIDS Education will be offered in the curriculum and advised that their student may be excused from such instruction.

Section 51229

Requires annual notification to include a one-page written notice to parents or guardians of students in grades 9 through 12 that includes all of the following:

1. A brief explanation of the college admission requirements.
2. A list of the current UC and CSU web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU.
3. A brief description of what career technical education is, as defined by the CDE.

Section 51240 – Excuse from Health Instruction on Religious Beliefs

Whenever religious training conflicts with any part of "health," family life or sex education classes students shall be excused from that part of the instruction, upon written parental request.

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Section 51870 – Internet Access

Included with this notice is a copy of the District policy regarding access to the internet.

Section 51938 – Sexual Health and HIV/AIDS Prevention Education, Parent or Guardian Notification

Amends notification, when a school elects to provide comprehensive sexual health education or HIV/AIDS prevention education by outside consultants or guest speakers, to include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of parent to request a copy of EC §§ 51933, 51934 and 51938. For arrangements made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before instruction is delivered.

Section 58501 – Alternative Programs

The District may provide for alternative education to maximize student self-motivation, initiative, responsibility, and the desire to learn. Alternative programs encourage teachers, parents, and students to cooperatively and continuously develop the learning process and subject matter, and encourage students to follow their own interests. Parents may request the Governing Board to establish alternative school programs.

Section 104495 – Tobacco Free Campus

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground, except on a public sidewalk located within 25 feet of the playground, is prohibited.

I.D.E.A. – Special Education Programs

Federal law requires a free, appropriate education in the least restrictive environment for all handicapped students. If there is no appropriate public school program, parents have the right to apply for Special Education tuition payments. Parents who feel their student may have special needs, not being met by the school district, may refer their student for assessment by contacting their principal.

Rehabilitation Act of 1973 – Handicapped Pupils

The District will not discriminate on the basis of sex, handicap, race, color, national origin or lack of English skills. Reasonable accommodations are available for handicapped pupils.

Welfare and Institution Code

Parents will be advised if and when students will be instructed in child abuse prevention programs, and further advised that their student may be excused from such instruction.

Stolen Property

The San Marino Unified School District is not responsible for stolen property - - especially bicycles.

Penal Code 417.27 – Laser Pointers

Prohibits the possession of a laser pointer by any student on any elementary or secondary school premise, unless possession is for valid instruction. Further prohibits directing the beam of a laser pointer into the eyes of another or into a moving vehicle or into the eyes of a guide dog.

We appreciate your cooperation in these matters.

Gary W. Woods
Superintendent