

# ANNUAL NOTIFICATION

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The San Diego County Office of Education (SDCOE) is required to annually notify pupils, parents, and guardians of their rights and responsibilities, pursuant to California Education Code (EC) 48980.

An acknowledgment of receipt of this notice must be signed by the parent or guardian and returned to the school as required by EC 48982.

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## **2021-22 School Year**

**San Diego County Office of Education**  
**6401 Linda Vista Road, San Diego, CA 92111**  
**858-292-3500 · [www.sdcoe.net](http://www.sdcoe.net)**

Dr. Paul Gothold, San Diego County Superintendent of Schools

### **San Diego County Board of Education**

Paulette Donnellon  
Guadalupe González  
Alicia Muñoz  
Gregg Robinson  
Rick Shea



Dear Students, Parents, and Guardians,

State law requires the San Diego County Office of Education (SDCOE) to provide annual notification to students, parents, and guardians of their rights and responsibilities pertaining to their child's education. Please read this Annual Notification. The parent or guardian is required to acknowledge their receipt of this notice by signing and returning the signature page to their child's school or SDCOE program. The parent's or guardian's signature is an acknowledgment that they have been informed of their rights and does not indicate the parent's or guardian's consent for their child to participate or not participate in any particular program listed within the Annual Notification.

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

SDCOE and the San Diego County Board of Education recognize that parent or guardian involvement in education promotes student achievement and contributes greatly to student success. This Annual Notification contains information on the various ways parental involvement is both permitted and encouraged by federal and state laws, as well as SDCOE's policies. SDCOE is committed to providing a quality education to all of its students in a safe and healthy environment. We look forward to a successful and positive school year, made possible by the dedicated efforts of our administrators, teachers, paraeducators, support staff, students, and parents and guardians.

**Please read this Annual Notification carefully and return the signed forms to your student's school or SDCOE's Juvenile Court and Community Schools office as soon as possible.**

Sincerely,

Tracy E. Thompson  
Executive Director  
Juvenile Court and Community Schools

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## RULES AND PROCEDURES ON SCHOOL DISCIPLINE – EC 35291

### A. All Students

#### 1. Suspension-EC 48900

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r) inclusive:

- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person; (2) Willfully used force or violence upon the person of another, except in self-defense.
- b. Possessed, sold or otherwise furnished a firearm, knife, explosive or other dangerous object, unless in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or principal designee.
- c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind
- d. Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion
- f. Caused or attempted to cause damage to school property or private property.
- g. Stole or attempted to steal school property or private property
- h. Possessed or used tobacco, or products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- k. (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 through 3, inclusive, shall not be suspended for any of the acts enumerated paragraph(1), and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 through 12, inclusive, to be recommended for expulsion. This paragraph is inoperative on July 1, 2020. (3) Except as provided in Section 48910, commencing July 1, 2020, a pupil enrolled

in kindergarten or any of grades 1 to 5, inclusive, shall not be suspended for any of the acts specified in paragraph (1), and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 through 12, inclusive, to be recommended for expulsion. (4) Except as provided in Section 48910, commencing July 1, 2020, a pupil enrolled in any of grades 6 to 8, inclusive, shall not be suspended for any of the acts specified in paragraph (1). This paragraph is inoperative on July 1, 2025.

- l. Knowingly received stolen school property or private property
- m. Possessed an imitation firearm. As used in this section “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit sexual assault as defined in Section 261, 266c, 286, 287, 288, or 289 of, or former Section 288a of, the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both
- p. Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma
- q. Engaged in or attempted to engage in hazing. For purposes of this subdivision, “hazing” is any method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.
- r. Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
  - i. “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
    1. Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property
    2. Causing a reasonable pupil to experience substantially detrimental effect on his or her physical or mental health
    3. Causing a reasonable pupil to experience substantial interference with his or her academic performance
    4. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school
  - ii. (A) “Electronic act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, pager, of a communication including, but not limited to, any of the following:
    1. A message, text, sound, video, or image



2. A post on a social network website, including but not limited to: a) Posting to or creating a burn page. "Burn page" means an website created for the purpose of having one or more of the effects listed in paragraph (i); b) creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (i). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purposes of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated; c) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (i). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
3. An act of cyber sexual bullying. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (1)-(4), inclusive of paragraph (i). A photograph or other visual recording, as described in this subclause, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording, or other electronic act. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned events.
  - (B) Notwithstanding paragraph (i) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the internet or is currently posted on the internet.
- iii. "Reasonable pupil" means a pupil, including, but not limited to, a pupil with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of that age, or for a person of that age with the pupil's exceptional needs.
- 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 the 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:
  - i. While on school grounds
  - ii. While going to or coming from school
  - iii. During the lunch period whether on or off the campus
  - iv. During, or while going to or coming from, a school sponsored activity
- t. A pupil who aides 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. For a pupil subject to discipline under this section, a superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age appropriate and designed to address and correct the pupil’s misbehavior as specified in Section 48900.5.
- w. (1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities. (2) It is further the intent of the Legislature that the Multi-Tiered System of Support, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

## **2. Expulsion**

A student may be recommended for expulsion for any of the reasons enumerated in Education Code section 48915, and pursuant to the expulsion procedures identified in Education Code sections 48918 and 48918.5.

### **B. Attendance of Suspended Child’s Parent or Guardian for Portion of School Day-EC 48900.1**

Pursuant to board policy, a teacher may require a parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for either committing an obscene act, engaging in habitual profanity or vulgarity, or disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties, to attend a portion of a school day in the classroom of his or her child or ward.

### **C. Sexual Harassment Policy-EC 231.5, 48980(g), 48900.2**

SDCOE will not tolerate sexual harassment by anyone participating in any SDCOE program or activity. This includes student-to-student or peer sexual harassment as well as harassment between a student and any SDCOE participant. SDCOE takes all complaints of sexual harassment seriously, investigates and addresses identified sexual harassment, and if the investigation results in the determination that sexual harassment has occurred, takes reasonable, immediate corrective action to stop the harassment, eliminate a hostile environment, and prevent future sexual harassment. Alleged pupil sexual harassment in violation of SDCOE policy or federal or state law will be handled pursuant to SDCOE policy and procedures found online at [www.sdcoe.net](http://www.sdcoe.net). A pupil in grades 4 through 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined below.

California Education Code section 212.5 defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:

- a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

**D. Hate Violence-EC 48900.3**

A pupil in any of grades 4 through 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, or threatened to cause, or participated in an act of, hate violence, as defined in EC 233(e).

**E. Harassment, Intimidation, or Threats-EC 48900.4**

A pupil enrolled in any of grades 4 through 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

**F. Terroristic Threats Against School Officials, School Property or Both-EC 48900.7**

A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both. A "terroristic threat" includes any statement, whether written or oral, by a person who willfully threatens to commit a crime that will result in death, great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

**G. Suspension/Expulsion: Alternative and Other Means of Correction-EC 48900, 48900.5, 48911**

Generally, suspension shall be imposed only when other means of correction fail to bring about proper conduct. SDCOE may document other means of correction short of suspension and expulsion and place the documentation in the pupil's record. Other means of correction may include a conference between school personnel, the pupil's parent or guardian and the pupil; referrals to the school counselor or psychologist; study teams, guidance teams, or other intervention-related teams that assess behavior and develop and implement behavior plans; referral for psycho-educational assessment; after-school programs that address specific behavioral issues; and community service on school grounds during non-school hours. A pupil may be suspended, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons. A suspension shall be preceded by an informal conference between the principal, the principal's designee, the executive director of Juvenile Court and Community Schools, or the district's superintendent of schools and the pupil, and whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At this conference, the pupil shall be informed of the reason for the disciplinary action and the other means of correction that were attempted before the suspension.

#### **RIGHTS AND OPTIONS AVAILABLE TO PREGNANT AND PARENTING PUPILS-EC 46015**

A pregnant or parenting pupil is defined as any pupil who gives or expects to give birth, or any parenting pupil who identifies as the parent of an infant. Pregnant and parenting pupils are entitled to at least eight weeks of parental leave, which can be taken before birth of the pupil's infant if there is a medical necessity, or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The pupil is neither required to take time off nor notify their school that they are doing so; this is a guaranteed minimum right that can be expanded if deemed medically necessary. Parental leave will be considered an excused absence, and the pregnant or parenting pupil is not required to complete any academic work during this period.

A pregnant or parenting pupil may return to their previous school and course of study, and is entitled to make up opportunities for any work missed during the leave. These students are allowed to enroll in a fifth year of high school in order to complete any state or local graduation requirements, except when the school finds that the pupil is reasonably able to complete these requirements in time to graduate high school by the end of their fourth year.

A pregnant or parenting pupil who does not wish to reenroll in his or her previous school is entitled to alternative education options offered by the local education agency (LEA). If so enrolled, the pupil shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular program. Furthermore, a school may not penalize a student for using any of the accommodations mentioned above.

If a student believes that their school is discriminating on the basis of sex in opposition to the rights and entitlements listed above, that student can file a complaint through the standard Uniform Complaint Procedures of *California Code of Regulations*, Title 5 Sections 4600, et. seq.

## **CALIFORNIA HEALTHY YOUTH ACT-EC 51934, 51938**

Students enrolled in SDCOE programs or activities may receive instruction in personal health and public safety, which may include accident prevention, first aid, fire prevention, conservation of resources, and health education including comprehensive sexual health education and HIV prevention.

SDCOE plans to provide comprehensive sexual health education and/or HIV prevention education during the 2021-22 school year. The instruction shall include, among other things, information about sexual harassment, sexual abuse, and human trafficking. Information on human trafficking shall include both of the following:

- a) Information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance; and
- b) Information on how social media and mobile device applications are used for human trafficking.

Students will be taught by SDCOE personnel and outside agencies. If SDCOE decides to arrange for an outside consultant to provide comprehensive sexual health education and/or HIV prevention education, SDCOE will provide notice to parents no fewer than 14 days before the instruction is delivered by mail or another form of communication.

A pupil's parent or guardian has the right to request from SDCOE, by going to their school's office, a copy of the California Healthy Youth Act, Education Code section 51930 *et. seq.* A pupil's parent or guardian also has the right to inspect and review the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.

A pupil's parent or guardian may submit a written request to excuse the pupil from participation in any class involving comprehensive sexual education or HIV prevention education by submitting their request in writing to SDCOE.

SDCOE may administer for pupils in grades 7 through 12 inclusive, 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. A parent or guardian may excuse their child from the test, questionnaire, or survey by opting out of their student's participation in the tests, questionnaires, or surveys. An opt-out form is provided within these notifications. Parents or guardians have a right review the test, questionnaire, or survey if they wish.

The excused pupil shall 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 can be found online at [www.sdcoe.net/Board/Pages/policies.aspx](http://www.sdcoe.net/Board/Pages/policies.aspx).

## **PUPIL SAFETY: HUMAN TRAFFICKING PREVENTION RESOURCES-EC 49381**

The governing board of SDCOE will work with their schools that maintain any grades 6 through 12, inclusive, to identify the most appropriate methods of informing parents and guardians of pupils in those grades of human trafficking prevention resources and to implement the identified methods in those schools by Jan. 1, 2020.

#### **PUPIL NUTRITION-EC 49510-49520; 49564-49564.5**

Breakfast and lunch meals are provided to Juvenile Court and Community School students at no charge.

The Community Eligibility Provision (CEP) is a meal service option for schools and school districts in low-income areas. A key provision of *The Healthy, Hunger-Free Kids Act* (HHFKA, Public Law 111-296; Dec. 13, 2010) and CEP allows the nation's highest poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without the burden of collecting household applications. Instead, schools that adopt CEP are reimbursed using a formula based on the percentage of students participating in other specific means-tested programs, such as the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families (TANF).

All parents and guardians receive a letter with the Community Eligibility Provision (CEP) and Alternative Income Form upon enrollment. More information can be found online at [www.sdcoe.net/nutrition](http://www.sdcoe.net/nutrition).

Students attending Lindsay Community School who are parenting teens also have access to the Women, Infants, and Children Program that supports our most vulnerable citizens by providing breastfeeding support, infant formula, and supplemental foods. More information can be found online at <https://www.cde.ca.gov/ls/nu/he/cnreauth09.asp>.

#### **RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS-EC 32255-32255.6**

Pupils may choose to refrain from participating in educational projects involving the harmful or destructive use of animals based on moral objections, and may complete an alternative educational project acceptable to the teacher. In order to refrain from participation, a parent or guardian must submit a written note of the objections to participating in an educational project involving the harmful or destructive use of animals. An opt-out form is provided within this notice.

#### **IMMUNIZATION AND COMMUNICABLE DISEASES-EC 48216, 49403**

SDCOE shall follow all laws, rules, and regulations regarding immunizations required for students to enroll. SDCOE shall not admit any student until the student is properly immunized as required by law. If there is good cause to believe a student has been exposed to a disease and his or her proof of immunization does not show proof of immunization against that disease, SDCOE may temporarily exclude the child from school until the local health officer is satisfied that the child is no longer at risk of developing or transmitting the disease.

If the parent or guardian files with the governing authority a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization, that child shall be exempt from the immunization requirements.

Effective Jan. 1, 2016: The California Legislature eliminated the exemption from specified immunization requirements based upon personal beliefs. A pupil who, prior to Jan. 1, 2016, submitted a letter or affidavit on file with SDCOE stating beliefs opposed to immunization shall be allowed enrollment to any SDCOE school until the pupil enrolls in the next grade span. Grade span means (1) from birth through preschool; (2) Kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and (3) grades 7 through 12 inclusive.

### **MEDICATION-EC 49423**

Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician or physician assistant and a parental request for assistance in administering the medications. Any student may carry and self-administer prescription auto-injectable epinephrine only if the student submits a written statement of instructions from the physician or physician assistant and written parental consent authorizing the self-administration of medication, providing a release for the school nurse or other personnel to consult with the child's health care provider as questions arise, and releasing the district and personnel from civil liability if the child suffers any adverse reaction as a result of the self-administration of medication.

### **CONTINUING MEDICATION REGIMEN-EC 49480**

The parent or legal guardian of any pupil on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other contact person of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or legal guardian of the pupil, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

### **MEDICAL AND HOSPITAL SERVICES FOR PUPILS-EC 49471, 49472**

SDCOE does not provide medical or hospital services through non-profit membership corporations or insurance policies for pupil injuries arising out of school-related activities. SDCOE will notify each parent or guardian of each pupil participating in athletic activities that such medical or hospital services are not provided.

### **PUPILS WITH TEMPORARY DISABILITIES; INDIVIDUAL INSTRUCTION-EC 48206.3, 48207, 48207.3, 48207.5, 48208**

Special individual instruction (as distinct from independent study) is available for students with temporary disabilities that make attendance at school impossible or inadvisable. Parents or guardians should first contact the principal to determine services.

### **DISABLED PUPILS-SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 of the federal Rehabilitation Act of 1973, and the Americans with Disabilities Act (42 USC 12101, et seq.) prohibit discrimination on the basis of disability. Section 504 requires school districts to identify and evaluate children with disabilities in order to provide them a free, appropriate public education. Individuals with a physical or mental impairment that substantially limits one or more major life activities, including seeing, hearing, walking, breathing, working, performing manual tasks, learning, eating, sleeping, standing,

lifting, bending, reading, concentrating, thinking, and speaking, are eligible to receive services and aids designed to meet their needs as adequately as the needs of non-disabled students are met.

- Name and contact information of SDCOE's designated individual for implementing Section 504:
  - Jessica Nuñez, School Counselor/Section 504 Lead, [jenunez@sdcoe.net](mailto:jenunez@sdcoe.net)
- Screening and evaluation procedures used by SDCOE when there is a reason to believe a student has a disability under Section 504:
  - Jessica Nuñez, School Counselor/Section 504 Lead, [jenunez@sdcoe.net](mailto:jenunez@sdcoe.net)
- A student has the right to a written accommodation plan if the student qualifies for services under Section 504.
- A student has the right to be educated with non-disabled students to the maximum extent appropriate based on the student's needs.
- A copy of the parents or guardians legal safeguard can be obtained at [www.sdcoe.net/Board/Pages/policies.aspx](http://www.sdcoe.net/Board/Pages/policies.aspx).

### **SPECIAL EDUCATION: CHILD FIND SYSTEM-IDEA; EC 56301**

Federal and state law require that a free and appropriate public education in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Any parent suspecting a child has exceptional needs due to a disability may request an assessment for eligibility for special education services. SDCOE's child find policy and procedures are available at [www.sdcoe.net/specialed](http://www.sdcoe.net/specialed).

### **SPECIAL EDUCATION: COMPLAINTS-EC 56500.2**

Parents or guardians have a right to file a written complaint with the school if they believe the school is in violation of federal or state law governing the identification or placement of special education students, or similar issues. State regulations require the party filing the complaint to forward a copy of the complaint to SDCOE at the same time the party files the complaint with the California Department of Education (CDE). Procedures are available from your principal.

### **SPECIAL EDUCATION: DUE PROCESS HEARINGS-EC 56502**

The state superintendent is required to develop a model form to assist parents and guardians in filing requests for due process. A form is available at <http://www.dgs.ca.gov/oah/SpecialEducation.aspx> for parents that wish to initiate due process hearings relating to special education rights.

### **SPECIAL EDUCATION: INSPECTION OF RECORDS-EC 56043(n)**

Upon request, parents or guardians of children with exceptional needs may examine and receive copies of the student's records within five business days after a request is made and prior to any Individualized Education Program meeting, hearing, or resolution session regarding their child.

### **SPECIAL EDUCATION: NON-PUBLIC, NON-SECTARIAN SCHOOLS OR AGENCIES-EC 51225.2; 56365; 56366.1; 56366.4; 56366.10**

**Non-Public, Non-Sectarian Schools(NPSs)/ Non-Public, Non-Sectarian Agencies (NPAs)s Training:** The NPS or NPA is required to document the training of staff who will have contact or interaction with students during the



school day in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS'/NPA's student population. The training must be provided within 30 days of enrollment for new staff, and annually to all staff who have contact with students during the school day. The training shall be selected and conducted by the NPS/NPA and must satisfy the following conditions:

1. Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught
2. Be taught in a manner consistent with the development and implementation of individualized education programs; and
3. Be consistent with the requirements of Education Code relating to pupil restraint and seclusion

The content of the training shall include, but is not limited to, all the following:

1. Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan, and implement behavioral supports;
2. How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors; and
3. Evidence-based interventions for reducing and replacing the challenging behaviors, including de-escalation techniques.

The LEA contracting with the NPS/NPA shall annually verify compliance with these training requirements and the NPS/NPA shall annually report to the CDE this verification. Written records of the annual training shall be maintained and provided upon request.

**NPS/NPA Administrator Credential/License:** The NPS/NPA is required to document (in the application for certification with CDE) that the administrator of the NPS/NPA holds or is in the process of obtaining one of the following:

1. An administrative credential granted by an accredited postsecondary education institution and two years of experience with students with disabilities;
2. A pupil personal services credential and authorizes school counseling or psychology;
3. A license as a clinical social worker issued by the Board of Behavioral Sciences;
4. A license in psychology regulated by the Board of Psychology;
5. A master's degree issued by an accredited postsecondary institution in education, special education, psychology, counseling, behavioral analysis, social work, behavioral science, or rehabilitation;
6. A credential authorizing special education instruction and at least two years of experience teaching in special education before becoming an administrator;
7. A license as a marriage and family therapist certified by the Board of Behavioral Sciences
8. A license as an educational psychologist issued by the Board of Behavioral Sciences; or
9. A license as a professional clinical counselor issued by the Board of Behavioral Sciences

**NPS/NPA Notification of Law Enforcement Involvement:** An NPS/NPA is required to notify CDE and the LEA of any student involved incident at the NPS/NPA in which law enforcement was contacted. This notification shall be provided in writing no later than one business day after the incident occurred.

**NPS/NPA Qualified Individual to Implement a Behavioral Intervention Plan (BIP):** An NPS serving students with significant behavioral needs or who have a BIP must have an individual on-site during school hours who is qualified and responsible for the design, planning and implementation of behavioral interventions to be certified by CDE.

**Requirements for LEAs:** For an NPS/NPA seeking initial certification, the LEA is required to verify that the plan and timeline for the new training requirements are included in the master contract. For NPS/NPA's not in existence as of Jan.1 immediately preceding a school year, the LEA must verify that the new training requirements are complied with 30 days following the commencement of the school year. The LEA is required to submit verification to the superintendent at that time.

An LEA that enters into a master contract with an NPS/NPA school shall conduct, at minimum, the following:

1. An on-site visit to the NPS/NPA before placement of a pupil if the LEA does not have any pupils enrolled at the school at the time of placement
2. At least one on-site monitoring visit during each school year to the NPS/NPA at which the LEA has a pupil attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to:
  - a. A review of services provided to the pupil through the individual service agreement between the LEA and NPS/NPA;
  - b. A review of progress the pupil is making toward the goals set forth in the pupil's Individualized Education Program;
  - c. A review of progress the pupil is making toward the goals set forth in the pupil's BIP if the pupil has a BIP;
  - d. An observation of the pupil during instruction; and
  - e. A walkthrough of the facility
3. The LEA shall report the findings resulting from the monitoring visit to CDE within 60 days of the onsite visit. On or before June 30, 2021, CDE, shall, with input from special education local plan area administrators, create and publish criteria for reporting this information to the department.

**PHYSICAL EXAMINATION; PARENT REFUSAL TO CONSENT-EC 49451**

A parent or guardian may, by written statement filed annually, refuse to consent to the physical examination, including the vision, hearing, and scoliosis screening, of their child; however, a child may be sent home if, for good reasons, they are believed to be suffering from a recognized contagious or infectious disease. [EC 49451]. School children are examined for vision, hearing, and curvature of the spine at selected grade levels. An opt-out form is included within this notification.

Include approximate dates during the school year when any non-emergency, physical examination or screening is scheduled that is 1) required as a condition of attendance; 2) administered by the school; and 3) is not necessary to protect the immediate health and safety of the pupil or other pupils.

Date	Site
9/8/2021	Lindsay Community School
9/7/2021	Victoria Community School
9/9/2021	Escondido Community School

9/14/2021	La Mesa Community School
9/15/2021	North County Regional Education Center
9/16/2021	South County Regional Education Center
9/29/2021	Cuyamaca Prep Community School
9/28/2021	Career Technical Education Center
9/29/2021	East County Community School
9/21/2021	Soul Academy
10/1/2021	37ECB
10/5/2021	Innovations Academy of Empowerment
10/6/2021	Bayside Community School
10/7/2021	Project Aware
10/7/2021	Bridges

Education Code section 49455 requires a pupil’s vision to be appraised by the school nurse or other authorized person during kindergarten or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, unless a pupil’s first entry or enrollment occurs in grade 4 or 7.

**CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM-HSC 124085, 124105**

Before a child enters first grade, his or her parents must obtain a waiver or health screening for the child and complete the provided certificate or sign a waiver. The screening should take place before (within the prior 6 months) or during the kindergarten year. Parents are encouraged to obtain health screening simultaneously with required immunizations. Parents may inquire in the school office about free health screenings for low-income children provided under the Child Health and Disabilities Prevention Program.

**FOSTER YOUTH BILL OF RIGHTS – EC 48853; 48853.5; 49069.5; 51225.1; 51225.2**

“Pupil in foster care” means a child who has been removed from their home pursuant to Section 309 of the Welfare and Institutions Code (WIC), is the subject of a petition filed under Section 300 or 602 of the WIC, or has been removed from their home and is the subject of a petition filed under WIC section 300 or 602.

A pupil in foster care who is placed in a licensed children’s institution or foster family home shall attend programs operated by the local educational agency in which that licensed children’s institution or foster family home is located, unless one of the following applies:

- (1) The pupil is entitled to remain in their school of origin.
- (2) The pupil has an individualized education program (IEP) requiring placement in a nonpublic, nonsectarian school, or in another local educational agency (LEA).
- (3) The parent or guardian, or other person holding the right to make educational decisions for the pupil pursuant to Section 361 or 726 of the WIC or Section 56055 (“educational rights holder”), determines that it is in the best interests of the pupil to be placed in another educational program and has submitted a written statement to the local educational agency that they have made that determination. This statement shall include a declaration that the parent, guardian, or educational rights holder is aware of all of the following:

- (A) The pupil has a right to attend a regular public school in the least restrictive environment.
- (B) The alternate education program is a special education program, if applicable.
- (C) The decision to unilaterally remove the pupil from the regular public school and to place the pupil in an alternate education program may not be financed by the local educational agency.
- (D) Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent, guardian, or educational rights holder.

The parent or guardian or educational rights holder shall first consider placement in the regular public school before deciding to place the pupil in foster care in a juvenile court school, a community school, or another alternative educational setting.

A pupil in foster care may still be subject to expulsion under applicable law and board policy.

Pupils in foster care are subject to other laws governing the educational placement in a juvenile court school, of a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility, notwithstanding the rights contained in this notice.

Children in foster care living in emergency shelters (as referenced in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.)), may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

- (1) For health and safety emergencies
- (2) To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interests to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.

The educational services may be provided at the shelter pending a determination by the educational rights holder regarding the educational placement of the child.

All educational and school placement decisions shall be made to ensure that the child is placed in the least restrictive educational programs and has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.

SDCOE has designated Stephanie Johnston-Austin (619-990-4853, [sjohnston@sdcoe.net](mailto:sjohnston@sdcoe.net)) as the educational liaison for pupils in foster care. The role of educational liaison is advisory with respect to placement decisions and determination of school of origin and does not supersede the role of the parent or guardian retaining educational rights, a responsible adult appointed by the court, a surrogate parent, or a foster parent exercising their legal rights with respect to the education of the child in foster care. The educational liaison serves the following roles:

- (1) Ensures and facilitates proper educational placement, enrollment in school, and checkout from school for children in foster care
- (2) Assists children in foster care when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades
- (3) When designated by the superintendent, the educational liaison notifies a child in foster care's attorney and child welfare agency representative(s) of pending disciplinary proceedings and pending manifestation determination proceedings if they are also eligible to receive special education and related services under the Individuals with Disabilities Education Act.

At the initial detention or placement by the Juvenile Court, or any subsequent change in placement of a child in foster care by the Court, the local educational agency serving the child shall allow them to continue their education in the school of origin for the duration of the jurisdiction of the court. If the jurisdiction of the court is terminated prior to the end of the academic year:

- (1) Former children in foster care in grades kindergarten or 1 through 8, inclusive, shall be allowed to continue their education in the school of origin through the duration of the academic year.
- (2) Former children in foster care in high school shall be allowed to continue their education in the school of origin through graduation.
- (3) Transportation is not required unless the former child in foster care has an IEP and the IEP team determines transportation is a necessary related service, required by the unique educational needs of the pupil in order to benefit from their special education program. Transportation may be provided at the LEA's discretion. The rights of these youth do not supersede any other law governing special education for eligible children in foster care.
- (4) To ensure that the children in foster care have the benefit of matriculating with their peers in accordance with the established feeder patterns of school districts, if the child in foster care is transitioning between school grade levels, they shall be allowed to continue in the school district of origin in the same attendance area, or, if they are transitioning to a middle school or high school, and the school designated for matriculation is in another school district, to the school designated for matriculation in that school district.

In consultation with the child in foster care and educational rights holder, the educational liaison may recommend that the child in foster care waive their right to attend the school of origin and enroll in a public school within their attendance area. The educational liaison's recommendation must be accompanied by a written explanation for the basis of the recommendation and how it serves the child in foster care's best interests.

- (1) If the educational liaison, child in foster care, and educational rights holder agree it is in the best interest of the child in foster care to waive their right to attend the school of origin and attend the recommended school, the child in foster care shall immediately be enrolled within the recommended school.

- (2) The recommended school shall immediately enroll the child in foster care regardless of any outstanding fees, fines, textbooks, or moneys due to any previous schools of attendance or if the child in foster care is unable to produce clothing or records normally required for enrollment such as previous academic records, medical records, including proof of immunization, proof of residency, or other documentation.
- (3) Within two business days of the child in foster care's request for enrollment, the educational liaison for the new school shall contact the school last attended by the child in foster care to obtain all academic and other records. The last school attended by child in foster care shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. The educational liaison for the school last attended shall provide a complete copy of the child in foster care's education record to the new school within two business days of receiving the request.

If any dispute arises as to the school placement of a pupil under this section, the pupil has the right to remain in their school of origin, pending resolution of the dispute.

"School of origin" means the school that the child in foster care attended when permanently housed or the school in which the child in foster care was last enrolled. If the school the child in foster care attended when permanently housed is different from the school in which the child in foster care was last enrolled, or if there is some other school that the child in foster care attended with which the child in foster care is connected and that the child in foster care attended within the immediately preceding 15 months, the educational liaison, in consultation with, and with the agreement of, the child in foster care and the educational rights holder, shall determine, in the best interests of the child in foster care, the school that shall be deemed the school of origin.

If the child in foster care is absent from school due to a decision made by a court or placing agency to change the placement of the child in foster care, the grades and credits of the child in foster care will be calculated as of the date they left school and no lowering of grades will occur as a result of the absence of the child in foster care under these circumstances. If the child in foster care is absent from school due to a verified court appearance or related court ordered activity, no lowering of their grades will occur as a result of the absence of the pupil under these circumstances.

A child in foster care or a youth who is homeless transfers between schools any time after the completion of the pupil's second year of high school shall be exempt from all coursework and other graduation requirements adopted by the governing board of the local educational agency that are in addition to the statewide coursework requirements, unless the local educational agency makes a finding that they are 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.

Within 30 days of the child's transfer into a school, the local educational agency should determine whether a child in foster care or a pupil who is a homeless youth is reasonably able to complete the local educational agency's graduation requirements within the pupil's fifth year of high school. If the pupil is reasonably able to complete the local educational agency's graduation requirements within a fifth year of high school, the local educational agency shall do all of the following:

- (1) Inform the pupil of their option to remain in school for a fifth year to complete the LEA's graduation requirements.

- (2) Inform the pupil, and the educational rights holder, about how remaining in school for a fifth year to complete the local educational agency's graduation requirements will affect the pupil's ability to gain admission to a postsecondary educational institution.
- (3) Provide information to the pupil about transfer opportunities available through the California Community Colleges.
- (4) Permit the pupil to stay in school for a fifth year to complete the local educational agency's graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the educational rights holder.

If the local educational agency fails to provide timely notice of the exemption, the pupil shall be eligible for the exemption, once notified, even if that notification occurs after the termination of the court's jurisdiction of the pupil or after the pupil is no longer considered homeless.

If a child in foster care or a pupil who is a homeless youth is exempt from local graduation requirements pursuant to this section and completes the statewide coursework requirements before the end of their fourth year of high school and that pupil would otherwise be entitled to remain in attendance at the school, a school or local educational agency shall not require or request that the pupil graduate before the end of their fourth year of high school, nor shall the child in foster care or a pupil who is a homeless youth be required to accept the exemption or be denied enrollment in courses for which they are otherwise eligible.

If a child in foster care or a pupil who is a homeless youth is not exempt from local graduation requirements or has previously declined the exemption pursuant to this section, a local educational agency shall exempt the pupil at any time if an exemption is requested by the pupil and the pupil qualifies for the exemption. The exemption shall apply after termination of the court's jurisdiction or after the pupil is no longer considered homeless.

A transfer shall not be requested solely to qualify for an exemption under this section.

The local educational agency shall accept coursework satisfactorily completed by a child in foster care or a pupil who is a homeless youth while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school even if the pupil did not complete the entire course and issue that pupil full or partial credit for the coursework completed.

The local educational agency may not require a child in foster care or a pupil who is a homeless youth to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school. If the pupil did not complete the entire course, the local educational agency may not require the pupil to retake the portion of the course the pupil completed unless the local educational agency, in consultation with the educational rights holder, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the child in foster care or a pupil who is a homeless youth shall be enrolled in the same or equivalent course, if applicable, so that the pupil may continue and complete the entire course. The pupil shall not be prevented from taking or retaking a course to meet eligibility requirements for admission to the California State University or University of California systems.

A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complainant not satisfied with the decision of a local educational agency may appeal the decision to the CDE and shall receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal.

If a local educational agency finds merit in a complaint, or the superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

#### **CHILDREN OF MILITARY FAMILIES AND OTHER PROTECTED PUPILS– EC 49701, 51225.1, 51225.2**

A pupil who is a "child of a military family" is defined as school-aged child or children, enrolled in kindergarten through 12th grade, in the household of an active duty member. "Active duty" means full-time status in the active uniformed service of the United States, including member of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. sections 1209 and 1211.

Children of military families who transfer between schools any time after the completion of the pupil's second year of high school shall be exempt from all coursework and other graduation requirements adopted by the governing board of the local educational agency that are in addition to the statewide coursework requirements, unless the local educational agency makes a finding that the child of a military family 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.

Within 30 days of the child of a military family's transfer into a school, the local educational agency should determine whether the child of a military family is reasonably able to complete the local educational agency's graduation requirements within the pupil's fifth year of high school. If the pupil is reasonably able to complete the local educational agency's graduation requirements within a fifth year of high school, the local educational agency shall do all of the following:

- (1) Inform the pupil of his or her option to remain in school for a fifth year to complete the local educational agency's graduation requirements.
- (2) Inform the pupil and the educational rights holder about how remaining in school for a fifth year to complete the local educational agency's graduation requirements will affect the pupil's ability to gain admission to a postsecondary educational institution.
- (3) Provide information to the pupil about transfer opportunities available through the California Community Colleges.
- (4) Permit the pupil to stay in school for a fifth year to complete the local educational agency's graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the educational rights holder.

Within 30 calendar days of the date that a pupil who is a child of a military family who may qualify for the exemption from local graduation requirements transfers into a school, the school district shall notify the pupil



and the pupil's parent or guardian of the availability of the exemption and whether the pupil qualifies for an exemption.

If the district fails to provide timely notice, the pupil shall be eligible for the exemption from local graduation requirements, even if that notification occurs after the pupil no longer meets the definition of "a child of a military family."

If a child of a military family is exempt from local graduation requirements pursuant to this section and completes the statewide coursework requirements before the end of their fourth year of high school and that pupil would otherwise be entitled to remain in attendance at the school, a school or local educational agency shall not require or request that the pupil graduate before the end of his or her fourth year of high school, nor shall the child of a military family be required to accept the exemption or be denied enrollment in courses for which they are otherwise eligible.

If a child of a military family is not exempt from local graduation requirements or has previously declined the exemption pursuant to this section, a local educational agency shall exempt the pupil at any time if an exemption is requested by the pupil and the pupil qualifies for the exemption. The exemption shall apply after the pupil no longer meets the definition of "a child of a military family" while they are enrolled in school or if the pupil transfers to another school or school district.

A school district shall not require, and a parent or guardian shall not request, a child of a military family to transfer schools solely to qualify the pupil for an exemption under this section.

The local educational agency shall accept coursework satisfactorily completed by a pupil who is a child of a military family while attending another public school (including schools operated by the United States Department of Defense), a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and issue that pupil full or partial credit for the coursework completed.

The local educational agency may not require a child of a military family to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. If the pupil did not complete the entire course, the local educational agency may not require the pupil to retake the portion of the course the pupil completed unless the local educational agency in consultation with the educational rights holder, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the child of a military family shall be enrolled in the same or equivalent course, if applicable, so that the pupil may continue and complete the entire course. The pupil shall not be prevented from taking or retaking a course to meet eligibility requirements for admission to the California State University or University of California system.

A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complainant not satisfied with the decision of a local educational agency may appeal the decision to the CDE and shall receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal.

If a local educational agency finds merit in a complaint, or the superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

The above protections shall also apply to pupils in foster care, pupils who are homeless, former juvenile court school pupils, migratory children, and pupils participating in a newcomer program, as defined in Education Code section 51225.2(a).

#### **JUVENILE COURT SCHOOL PUPILS – GRADUATION REQUIREMENTS – EC 48645.3-48645.7**

- 1) When a juvenile court school pupil becomes entitled to a diploma, SDCOE shall notify the pupil, the person holding the right to make education decisions for the pupil, and the pupil's social worker or probation officer of all of the following:
  - (A) The pupil's right to a diploma when a pupil has met the necessary requirements.
  - (B) How taking coursework and other requirements adopted by the San Diego County Board of Education or continuing education upon release from the juvenile detention facility will affect the pupil's ability to gain admission to a postsecondary educational institution.
  - (C) Information about transfer opportunities available through the California Community Colleges.
  - (D) The pupil's or the education rights holder's, as applicable, option to allow the pupil to defer or decline the diploma and take additional coursework pursuant to sections 3 or 4 below.
- 2) If SDCOE fails to provide timely notice that the pupil has met diploma requirements, the pupil shall be eligible for the diploma when the pupil is notified, even if the pupil is notified after termination of the court's jurisdiction over the pupil.
- 3) If SDCOE makes a finding that a juvenile court school pupil, who is entitled to a diploma, could benefit from the coursework and other requirements adopted by the San Diego County Board of Education, SDCOE shall:
  - (A) Inform the pupil of his or her option to take coursework and other requirements adopted by the San Diego County Board of Education.
  - (B) Permit the pupil, upon agreement of the pupil if the pupil is over the age of 18 or, if the pupil is under 18, upon agreement of the education rights holder to take coursework or other requirements adopted by the San Diego County Board of Education, and to defer the granting of the diploma until the pupil is released from the juvenile detention facility.
- 4) Upon release from the juvenile education center, the pupil, or pupil's education rights holder, may elect to decline the issuance of the diploma for the purpose of enrolling the pupil in a school operated by an LEA or charter school to take additional coursework. If the pupil or pupil's education rights holder is deciding on whether to decline the diploma, SDCOE should advise the pupil or the educational rights holder to consider whether the pupil is highly likely to do all of the following:
  - (A) Enroll in a school operation by a LEA or charter school
  - (B) Benefit from continued instruction
  - (C) Graduate from high school
- 5) SDCOE will grant a diploma to a pupil who is entitled to receive a diploma but has previously deferred or declined the diploma, at the pupil's or educational rights holder's request.

- 6) If a juvenile court school pupil is entitled to a diploma, SDCOE shall not revoke that eligibility. If a former juvenile court school pupil is entitled to a diploma, that right shall continue to apply after the termination of the court's jurisdiction over the pupil.
- 7) A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.
- 8) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the CDE and shall receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal.
- 9) If a local educational agency finds merit in a complaint, or CDE finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

### **ASBESTOS-40 C.F.R. 763.93**

SDCOE has a current management plan for asbestos containing materials for all district portables. The plan is available for inspection at SDCOE's Linda Vista Campus (6401 Linda Vista Road, San Diego, CA 92111) in Room 212 during normal business hours.

### **USE OF PESTICIDES-EC 17612, 48980.3**

Persons wishing to be notified in advance of individual pesticide applications may register with SDCOE for that purpose. To register, contact the director of Maintenance and Operations, Mark Cavassa, at 858-569-5334 or use the attached Annual Pesticide Notification Form. Additional information on pesticides is made available by the Department of Pesticide Regulation at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

### **SCHOOL BUS AND PASSENGER SAFETY-EC 39831.5**

Bus safety regulations, including a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops, can be found online at the pupil's district of residency for those pupils who receive interdistrict busing.

### **WILLIAMS COMPLAINT POLICY AND PROCEDURES-EC 35186**

SDCOE has adopted a uniform complaint process to help identify and resolve deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancies or mis-assignments . Notice of the complaint process and the location at which to obtain a complaint form is posted in all classrooms.

### **NOTICE OF ALTERNATIVE SCHOOLS-EC 58501**

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

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

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

A copy of the notice shall also be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit for the entire month of March in each year.

#### **STATEMENT OF NON-DISCRIMINATION**

Discrimination in education programs is prohibited by state and federal law. Education Code section 200, et seq. requires school districts to afford all pupils regardless of gender, gender identity, gender expression, sex, race, color, religion, natural origin, immigration status, ethnic group identification, mental or physical disability, sexual orientation, or the perception of one or more of such characteristics, equal rights and opportunities in accessing educational programs, activities, and facilities. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Title IX prohibits discrimination on the basis of sex. The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. Also, pursuant to EC 212.1, "race" is inclusive of traits historically associated with race, including, but not limited to, protective hairstyles and textures.

SDCOE will take the required steps to assure that the lack of English will not be a barrier to admission and participation in district programs. This policy applies to all students insofar as participation in programs and activities is concerned, with few exceptions such as contact sports. In accordance with federal law, complaints alleging non-compliance with this policy are investigated through the Uniform Complaint Process.

#### **ATTENDANCE-EC 48980(h)**

##### **A. Residency Requirements-EC 48200, 48204, 48204.3, 48204.4, 48204.6, 48204.7**

Each person between the ages of 6 and 18 years (and not exempted) is subject to compulsory full-time education. Each person subject to compulsory full-time education and not exempted shall attend the public full-time day school or continuation school or classes and for the full time designated as the

length of the school day by the governing board of the school district in which the residency of either the parent or legal guardian is located.

A pupil may alternatively comply with the residency requirements for school attendance in a school district, if they meet any of the following:

- (1) Placed within the boundaries of the school district in a foster home or licensed children's institution as defined in Section 56155.5 or a family home pursuant to a commitment or a placement under the Welfare and Institutions Code;
- (2) A pupil who is in foster care who remains in their school of origin.
- (3) A pupil for whom interdistrict transfer has been approved;
- (4) An emancipated pupil who resides within the boundaries of the school district;
- (5) A pupil who lives in the home of a care giving adult that is located within the boundaries of the school district;
- (6) A pupil residing in a state hospital located within the boundaries of the school district.
- (7) A pupil 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 their employment within the boundaries of the school district for a minimum of three days during the school week.
- (8) One or both of the parents or legal guardians of the pupil are physically employed within the boundaries of the school district for a minimum of 10 hours during the school week.
- (9) A school district shall allow a pupil who is a child of a military family to continue their education in the school of origin, regardless of any changes of residence of the military family during that school year, for the duration of the pupil's status as a child of a military family.
- (10) A school district shall allow a pupil who is a migratory child to continue attending their school of origin, or a school within the school district of origin regardless of any change of residence of the pupil; and (11) A pupil whose parent or parents were residents of this state and have departed California against their will, and if the pupil seeks admission to a school of a school district, shall be admitted, regardless of their current residency, provided the pupil has:
  - (A) Official documentation evidencing the departure of his or her parent or legal guardian;
  - (B) Moved outside of California as a result of their parent or legal guardian departing against their will and the pupil lived in California immediately before moving outside of California; and
  - (C) Provides documentation that the pupil was enrolled in a California public school immediately before moving outside of California.

## **B. Statutory Attendance Options**

- **Intradistrict Choice Policy (EC 35160.5(b)):** Residents of the school district may apply to other schools within the school district for their child to attend on a space available basis.
- **Interdistrict Attendance (EC 46600, et seq.):** The parent or guardian of a pupil may seek release from the home district to attend a school in any other school district. Each school district of resident and school district of proposed enrollment shall post on its website the procedures and timelines, including a link to the policy of the governing board of the school district, regarding a request for an interdistrict transfer permit in a manner that is accessible to the public without a password. The information posted on the website shall include, but need not be limited to, the following:

- The date upon which the school district will begin accepting and processing interdistrict transfer requests for the subsequent school year.
- The reasons for which the school district may approve or deny a request, and any information or documents that must be submitted as supporting evidence.
- If applicable, the process and timelines by which denial of a request may be appealed within the school district before the school district renders a final decision.
- That failure of the parent to meet any timelines established by the school district shall be deemed an abandonment of the request.
- Applicable timelines for processing a request, including statements that the school district shall do both of the following:
  - Notify a parent submitting a current year request, as defined in Section 46600.1, of its final decision within 30 calendar days from the date the request was received.
  - Notify a parent submitting a future year request, as defined in Section 46600.1, of its final decision as soon as possible, but not later than 14 calendar days after the commencement of instruction in the school year for which interdistrict transfer is sought.
- The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.
- **District of Choice (EC 48300, et seq.):** Some school districts may choose to become a district of choice: a district that accepts transfer students from outside the district under the terms of a resolution. A school board that decides to become a district of choice must determine the number of transfers it is willing to accept and make sure that students are selected through a random and unbiased process.

**C. Absence for Religious Instruction-EC 46014**

Permissive absence may be granted for governing board approved religious exercises or instruction if a pupil has attended at least the minimum school day and for not more than four days per school month.

**D. Absence for Confidential Medical Services-EC 46010.1**

Students in grades 7 through 12 may be excused for the purpose of obtaining confidential medical services without consent of the pupil's parent or guardian.

**E. Notification of Minimum Days and Pupil-Free Staff Development Day-EC 48980(c)**

A schedule of minimum days and pupil-free staff development days will be made available online and at the beginning of the school year or as early as possible/no later than one month prior.

- Community Schools - [sdcoe.net/jccs/Pages/community.aspx](http://sdcoe.net/jccs/Pages/community.aspx)
- Court Schools - [sdcoe.net/jccs/Pages/court.aspx](http://sdcoe.net/jccs/Pages/court.aspx)
- Monarch School - [monarchschoools.org/](http://monarchschoools.org/)
- San Pasqual Academy - [sdcoe.net/jccs/Pages/sanpasqual.aspx](http://sdcoe.net/jccs/Pages/sanpasqual.aspx)

**F. Grade Reduction/Loss of Academic Credit-EC 48980(j)**

No pupil shall have his/her grade reduced or lose academic credit for any excused absence pursuant to EC 48205 for missed assignments/tests that can reasonably be provided/completed.

**G. Excused Absence; Justifiable Personal Reasons; Credit (EC 48205); Truancy (EC 48260, et seq.)**

State law permits students to be absent for justifiable reasons and allows for completion of missed assignments. Students who are absent without valid excuse, and their parents/guardians, may be subject to truancy and/or criminal proceedings under Education Code section 48260, et seq.

• **Excused Absences:**

- (1) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
  - (a) Due to the pupil's illness.
  - (b) Due to quarantine under the direction of a county or city health officer.
  - (c) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
  - (d) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
  - (e) For the purpose of jury duty in the manner provided for by law.
  - (f) 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.
  - (g) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
  - (h) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
  - (i) 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 EC § 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
  - (j) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
  - (k) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.
- (2) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

- (3) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- (4) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- (5) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

- **Truancy:**

- (1) The first time a truancy report is issued, the pupil and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designees to discuss attendance issues and develop plan to improve attendance.
- (2) The second time a truancy report is issued within the same school year, the pupil may be given a warning by a peace officer pursuant to Penal Code section 830.1. The pupil may also be assigned to an afterschool or weekend study program located within the same county as the pupil's school.
- (3) The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant and may be required to attend an attendance review board or a truancy mediation program pursuant to EC 48263.
- (4) The fourth time truancy is issued within the same school year, the pupil may be within jurisdiction of the Juvenile Court that may adjudge the pupil to be a ward of the court pursuant to Welfare and Institutions Code section 601.

#### **FINGERPRINTING PROGRAM-EC 32390**

SDCOE does not offer a voluntary fingerprinting program. Fingerprinting requires written parental consent as well as payment by the parent or guardian of any applicable fees.

#### **SEX EQUITY IN CAREER COUNSELING AND COURSE SELECTION-EC 221.5(d)**

Commencing in grade 7, school personnel shall assist pupils with course selection or career counseling, affirmatively exploring the possibility of careers or courses leading to careers based on the interest and ability of the pupil and not on the pupil's gender. Parents or legal guardians are notified so that they may participate in such counseling sessions and decisions.

#### **COLLEGE ADMISSION REQUIREMENTS AND TECHNICAL EDUCATION-EC 51225.3, 51229**

For students who wish to continue their education after high school, the state of California offers community colleges, California State Universities (CSU), and Universities of California (UC).

Information pertaining to college admission requirements, University of California and California State University websites, and the availability of school counselors to help students in choosing appropriate high school courses can be found online at [www.sdcoe.net/pupilservices](http://www.sdcoe.net/pupilservices).

SDCOE allows a career technical education course to satisfy the visual/performing arts or world language graduation requirement. More information about high school graduation requirements and how each requirement satisfies or does not satisfy the subject matter requirements for admission to the California State University and the University of California, as well as a complete list of career technical education courses



offered by SDCOE that satisfy the subject matter requirements for admission to the California State University and the University of California, can be found at [hsarticulation.edu](http://hsarticulation.edu).

In order to attend a California community college, students need only be a high school graduate or 18 years of age. In order to attend a CSU, students have to take specific high school courses, have the appropriate grades and test scores, and have graduated from high school. Test scores are not required if the student's GPA is 3.0 or above. In order to attend a UC, students must meet coursework requirements, obtain the necessary GPA and test scores or rank on the top 4% at a participating high school, or qualify by examination alone. Students may also transfer to a CSU or UC after attending community college. For more information on college admission requirements, please refer to the following websites.

[www.cccco.edu](http://www.cccco.edu) – This is the official website of the California Community College system. It offers links to all of the California community colleges.

[www.assist.org](http://www.assist.org) – This interactive site provides course transfer information for students planning to transfer from a California Community College to a CSU or UC.

[www.csumentor.edu](http://www.csumentor.edu) – This extensive online site offers assistance to students and their families on the CSU system, including the ability to apply online, and links to all CSU campuses.

[www.universityofcalifornia.edu](http://www.universityofcalifornia.edu) – This website offers information regarding admissions, online application, and links to all UC campuses.

#### **FINANCIAL ASSISTANCE FOR ADVANCED PLACEMENT FEES-EC 48980(j), 52242**

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

#### **TEACHER QUALIFICATIONS-20 U.S.C 6312**

Parents or guardians have the right to request information regarding the professional qualifications of their child's classroom teachers and assigned paraprofessionals, including at a minimum, the following:

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

The school shall provide the information to the parent or guardian requesting such information in a timely manner. Please contact the schools' principal regarding any questions or concerns about this process.

#### **EMPLOYEE INTERACTIONS WITH PUPILS-EC 44050**

This information may be accessed at <https://www.sdcoe.net/Board/Pages/policies.aspx>

## **UNIFORM COMPLAINT PROCEDURES-5 C.C.R. 4622**

SDCOE has adopted a Uniform Complaint Procedure. SDCOE shall follow uniform complaint procedures when addressing complaints involving adult education programs, categorical aid programs, migrant child education, career technical education training programs, child care and development programs, allegations of unlawful discrimination, harassment, intimidation, or bullying, lactation accommodations, non-compliance with school safety planning requirements, pupil fees, courses of study, instructional minutes for physical education, local control accountability plans, any deficiencies related to preschool health and safety issues for a California state preschool program, and matters pertaining to the right of foster youth, homeless youth, former juvenile court school pupils, and children of military families. Information regarding the Uniform Complaint Procedure, including the individual responsible for processing a Uniform Complaint can be found online at [www.sdcoe.net/Board/Pages/policies.aspx](http://www.sdcoe.net/Board/Pages/policies.aspx).

## **PARENT ATTENDANCE OF SUSPENDED STUDENTS DURING SCHOOL DAY-EC 48900.1**

SDCOE does not have a policy authorizing teachers to require the parent or guardian of a suspended pupil to attend a portion of a school day in the class of the suspended pupil.

## **HOMEWORK ASSIGNMENTS FOR SUSPENDED STUDENTS-EC 48913.5**

Upon request of a parent, a legal guardian, or other person holding the right to make educational decisions for the pupil, a teacher shall provide to a pupil in any of grades 1 through 12 who has been suspended from school for two or more schooldays the homework that the pupil would otherwise have been assigned. If a pupil turns in a homework assignment requested in the above manner to the teacher upon the pupil's return to school from suspension, or within the timeframe originally prescribed by the teacher (whichever is later), and it is not graded before the end of the academic term, then that assignment shall not be included in the calculation for that pupil's overall grade.

## **PUPIL INSURANCE FOR ATHLETIC TEAMS-EC 32221.5**

SDCOE operates an interscholastic athletic team or teams at the schools listed below, and is required to ensure that all members of school athletic teams have accidental injury insurance that covers medical and hospital expenses. Some pupils may qualify to enroll in no-cost or low-cost locally, state-, or federally sponsored health programs.

- Monarch School
- San Pasqual Academy

## **SCHOOL ACCREDITATION-EC 35178.4**

SDCOE will notify each parent or guardian of a pupil in a school that has lost its accreditation status and the potential consequences of the school's loss of status, in writing or by posting the information on the school district's or school's website, or by any combination of these methods.

## **PUPIL HEALTH-ORAL HEALTH ASSESSMENT-EC 49452.8**

By May 31 of the school year, pupils when first enrolled in public school are required to provide proof of an oral health assessment (conducted within 12 months before enrollment) by a licensed dentist or other

licensed or registered dental health professional or provide written notice why an oral health assessment by a licensed dentist or other registered dental health professional cannot be completed.

#### **PUPIL RECORDS; NOTIFICATION OF RIGHTS-20 U.S.C. 1232g; EC 49063, 49068, 49069.7, 49073**

Parents, pupils 18 and over, pupils 14 and over that are both homeless and an unaccompanied youth, and individuals who have completed and signed a Caregiver's Authorization Affidavit, have rights concerning pupil records under Education Code section 49063. These rights include:

- The right to inspect and review the student's education records within five business days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will forward requests to the Custodian of Records. The Custodian of Records will make arrangements for access and notify the parent or eligible student.
- The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading. Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Family Educational Rights and Privacy Act (FERPA) authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request from officials of another school district in which a student seeks or intends to enroll, SDCOE shall disclose education records without parental consent.
- When a student moves to a new district, SDCOE will forward the student's records upon the request of the new school district within 10 school days.

A foster family agency with jurisdiction over a currently enrolled or former pupil, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver who has direct responsibility for the care of a pupil may access the current or most recent records of grades, transcripts, attendance, discipline, online communications on school platforms, and any IEPs or Section 504 plans maintained by the responsible LEA of that pupil. The above-referenced individuals may access the pupil records listed above solely for the purpose of monitoring the pupil's educational progress, updating and maintaining the pupil's education records as required by Welfare and Institutions Code section 16010, and to ensure the pupil has access to educational services, supports, and activities, including enrolling the pupil in school, assisting the pupil with homework, class assignments, and college and scholarship applications, and enrolling the pupil in extracurricular activities, tutoring, and other afterschool or summer enrichment programs.

"Student Records" do not include:

- Instructional, supervisory, or administrative notes by SDCOE staff that are made only for that staff member or his/her substitute
- Records of a law enforcement unit that were created for use by the law enforcement unit
- Employee records made for personnel use
- Records of a doctor, psychologist, psychiatrist, or other treatment provider and/or assistant regarding a student who is 18 or older or who is attending a postsecondary educational institution. In this case, “treatment” does not include remedial instructional measures.

Parents have a right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

### **CONCUSSION AND HEAD INJURIES; OPIOIDS-EC 49475;49476**

Pursuant to the athletic programs offered by SDCOE (apart from athletic activity during the regular school day or as part of a physical education course), SDCOE will provide each student athlete’s parent and guardian with a “concussion and head injury” information sheet. The sheet shall be signed and returned by the athlete’s parent or guardian before the athlete may participate in practice or competition.

Also, pursuant to the athletic programs offered by SDCOE (apart from athletic activity during the regular school day or as part of a physical education course) SDCOE shall annually give the Opioid Factsheet for Patients to each athlete. The athlete, and if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign the document acknowledging receipt of the factsheet and return it to the district before the athlete initiates practice or competition.

### **SAFE PLACE TO LEARN ACT-EC 234, 234.1**

SDCOE has adopted policies pertaining to the following:

- 1) Prohibition of discrimination and harassment based on characteristics set forth in Education Code section 220 and Penal Code section 422.55;
- 2) Process for receiving and investigating complaints of discrimination and harassment;
- 3) Maintenance of documentation of complaints and their resolution;
- 4) Process to ensure complainants are protected from retaliation and the identity of a complainant is kept confidential if appropriate; and
- 5) Identification of a responsible LEA officer to ensure compliance.

SDCOE’s antidiscrimination and anti-harassment policies are posted in schools and offices and available online at [www.sdcoe.net](http://www.sdcoe.net).

### **PUPIL PROTECTIONS RELATING TO IMMIGRATION AND CITIZENSHIP STATUS – EC 234.7**

Except as required by state or federal law or as required to administer a state- or federally supported educational program, SDCOE shall not collect information or documents regarding citizenship or immigration status of pupils or their family members.

Should any request be made for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing immigration laws, SDCOE's superintendent shall report to the governing board any such requests in a timely manner that ensures the confidentiality and privacy of any potentially identifying information.

If SDCOE becomes aware that a pupil's parent or guardian is not available to care for the pupil, SDCOE staff shall first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. SDCOE will not contact Child Protective Services to arrange for the pupil's care unless it is unable to arrange care through the use of emergency contact information provided by the parents or other information provided by the parent or guardian.

All children have a right to a free public appropriate education, regardless of immigration status or religious beliefs. Therefore, SDCOE has fully adopted model policies published by the Attorney General's Office entitled "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues" (<https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>). These policies include, but are not limited to, refraining from collecting national origin information during the school enrollment process, accepting all forms of evidence listed in California Education Code section 48002 for the purpose of verifying student age, and not including citizenship status, immigration status, place of birth, or any other information indicative of national origin as directory information. Please visit the State of California's Attorney General's "Know Your Rights" page for more information at <https://oag.ca.gov/immigrant/rights>.

#### **AVAILABILITY OF PROSPECTUS-EC 49091.14**

Each school site shall create a prospectus that includes the curriculum, including titles, descriptions, and instructional aims of every course offered. The prospectus shall be made available upon request by parent or guardian.

#### **DIRECTORY INFORMATION-EC 49073**

"Directory Information" includes one or more of the following items: student's name, address, telephone number, email address, date of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent public or private school attended by the student. SDCOE has determined that the following individuals, officials, or organizations may receive directory information:

- Certain school publications
- Outside organizations including, but not limited to, companies that manufacture class rings or publish yearbooks
- Military recruiters
- Post-secondary educational institutions
- Outside governmental agencies

No information may be released to a private profit-making entity other than employers, prospective employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. Directory information may be disclosed without prior consent from the parent or legal guardian unless the parent or legal guardian submits a written notice to the school to deny access to his/her pupil's directory information. However, directory information related to homeless and unaccompanied youth will not be released without the express written consent for its release by the eligible pupil and his/her parent or guardian.

SDCOE may disclose appropriately designated "directory information" as specified herein without written consent unless advised to the contrary in accordance with procedures.

Parents/guardians must notify SDCOE in writing every year (a form is available at the end of this document) if they do not want SDCOE to disclose directory information from their child's education records without prior written consent.

Also, in accordance with Section 49073.2, the LEA shall not include the directory information or the personal information of a pupil or of a parent or guardian of a pupil in the minutes of a meeting of its governing body, except as required by judicial order or federal law, if a pupil who is 18 years of age or older or a parent or guardian of a pupil has provided a written request to the secretary or clerk of the governing body to exclude his or her personal information or the name of his or her minor child from the minutes of a meeting of the governing body.

Personal information includes a person's address, telephone number, date of birth, and email address.

### **SURVEYS-EC 51513; 20 U.S.C. 1232h**

SDCOE will notify parents or guardians of the need for their written permission before any test, questionnaire, survey, or examination containing any questions about their child's personal beliefs or practices (or the pupil's family's beliefs or practices) in sex, family life, morality, and religion, may be administered to any pupil in kindergarten or grades 1 through 12, inclusive. Notification will include specific or approximate dates of when any survey containing sensitive, personal information is to be administered and provide an opportunity for parents to opt pupils out of participating in the survey. Upon request, parents or guardians will be given the opportunity to inspect any third-party survey.

### **ACCESS BY MILITARY RECRUITERS-20 U.S.C. 7908**

SDCOE provides military recruiters access to secondary school students' names, addresses, and telephone listings upon request by the military recruiters. A pupil or parent may request that this information not be released to military recruiters without prior written parental consent.

### **CALIFORNIA HIGH SCHOOL PROFICIENCY EXAM-5 C.C.R. 11523**

The California High School Proficiency Exam (CHSPE) is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. Eligible pupils who pass the CHSPE are awarded a Certificate of Proficiency by the State Board of Education. A pupil who receives a Certificate of Proficiency may, with verified approval from the parent or legal guardian, leave high school early. The

Certificate of Proficiency, however, is not equivalent to completing all course work required for regular graduation from high school. For more information, including administration dates and registration deadlines, visit <http://www.chspe.net/>.

### **CAL GRANT PROGRAM-EC 69432.9**

All pupils enrolled in grade 12 will be deemed Cal Grant applicants unless they, or their parent or guardian if the pupil is 17 years or younger, specifically opt out of such notification. SDCOE will electronically submit each 12<sup>th</sup> grade pupil's grade point average by March 2<sup>nd</sup> of the pupil's 12<sup>th</sup> grade school year. A pupil of 18 years of age or a parent or guardian of a pupil 17 years or younger, may, by written statement, opt out of the Cal Grant program.

### **PUPIL FEES-EC 49010**

SDCOE maintains a policy concerning the provision of a free education to pupils and for filing a complaint of non-compliance pursuant to the Uniform Complaint Procedures with the principal of the school alleged to be in non-compliance. More information is available online at [www.sdcoe.net/Board/Pages/policies.aspx](http://www.sdcoe.net/Board/Pages/policies.aspx).

### **RIGHTS OF PARENTS OR GUARDIANS TO INFORMATION-EC 51101**

Parents/guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

- Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will attend pursuant to intra-district or inter-district pupil attendance policies or programs.
- Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.
- To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.
- To be notified on a timely basis if their child is absent from school without permission.
- To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.
- To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the school district to grant the parent's request.
- To have a school environment for their child that is safe and supportive of learning.
- To examine the curriculum materials of the class or classes in which their child is enrolled.
- To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.
- To have access to the school records of their child.
- To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.

- To be informed in advance about school rules, including disciplinary rules and procedures, attendance policies, dress codes, and procedures for visiting the school.
- To receive information about any psychological testing the school does involving their child and to deny permission to give the test.
- To participate as a member of a parent advisory committee, school-site council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, school-site councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.
- To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.
- To be notified, as early in the school year as practical pursuant to EC § 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child. Parents and guardians of pupils, including those 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. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines the manner in which parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each school-site.
- The policy shall include, but is not necessarily limited to, the following:
  1. The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.
  2. A description of the school's responsibility to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.
  3. The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:
    - (a) Monitoring attendance of their children.
    - (b) Ensuring that homework is completed and turned in on a timely basis.
    - (c) Participation of the children in extracurricular activities.
    - (d) Monitoring and regulating the television viewed by their children.
    - (e) Working with their children at home in learning activities that extend learning in the classroom.
    - (f) Volunteering in their children's classrooms or for other activities at the school.
    - (g) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

## **CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS-EC 52052, 60640**

The California Assessment of Student Performance and Progress (CAASPP) System was established on June 1, 2014. Commencing with the 2014-15 school year, the CAASPP system includes Smarter Balanced Summative assessments in English language arts and math in grades 3 through 8 and 11 and California Alternate Assessments (CAA) in English language arts and math in grades 3 through 8 and 11 for students with significant cognitive disabilities. The California Science Test (CAST) for science is required for all students in



grades 5, 8, and once in high school unless the student's IEP indicates administration of the CAA. SDCOE will not administer a standards-based test in Spanish for reading/language arts in grades 2 through 11 for Spanish-speaking English learners who either receive instruction in their primary language or have been enrolled in a school in the United States for less than 12 months. A parent or guardian may make a written request to excuse his or her child from any or all parts of the assessment.

### **DRESS CODE/GANG APPAREL-EC 35183**

Students are expected to come to school appropriately dressed. Students failing to dress appropriately will be asked to change. SDCOE's dress code is available online at [www.sdcoe.net/Board/Pages/policies.aspx](http://www.sdcoe.net/Board/Pages/policies.aspx).

### **SUN PROTECTIVE CLOTHING/USE OF SUNSCREEN-EC 35183.5**

SDCOE allows for outdoor use of sun-protective clothing and the use of sunscreen by students during the day.

### **BILINGUAL EDUCATION-EC 52173**

SDCOE will notify the parents or guardians of pupils who will be enrolled in a bilingual education program. The notice will contain a simple description of the program, inform the parent or guardian they have the right and are encouraged to visit the class in which their pupil will be enrolled and to have a school conference to explain the purpose of such an education, and that they have the right not to have their pupil enrolled in the program. Notice shall be in English and the primary language of the pupil.

### **MARKETING: DISCLOSURE OF STUDENT INFORMATION-20 U.S.C. 1232g**

SDCOE makes student directory information available in accordance with state and federal laws. This means that each student's name, birthday, address, telephone number, major course of study, participation in school activities, dates of attendance, awards, and previous school attendance may be released to agencies such as the local PTA or parent club or the military services. If you do not wish for this information to be released, please sign and return the Release Form For Directory Information provided at the end of this document for this purpose to the school or county office program.

### **ENGLISH IMMERSION PROGRAM-EC 310**

In order to facilitate parental choice of program, SDCOE will inform any parent or guardian of a pupil who is to be placed in a structured English immersion program and will notify the parent or guardian of an opportunity to apply for a parental exception waiver.

### **MIGRANT EDUCATION-EC 54444.2**

SDCOE receives migrant education funds and services and will actively solicit parental involvement in the planning, operation and evaluation of its programs through the establishment of a parent advisory council. Parents have the sole authority to determine the composition of the council.

### **TITLE 1-20 U.S.C. 6311**

Permits parents to request information regarding the professional qualifications of the student's classroom teachers, including the following:

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

In addition to the information that parents may request regarding their child’s teacher, parents may also request:

- Information on the level of achievement of the parent’s child in each of the state academic assessments, and
- Timely notice that the parent’s child has been assigned to or has been taught for four or more consecutive weeks by a teacher who is not highly qualified.

Parents may obtain this information by visiting [www.ctc.ca.gov](http://www.ctc.ca.gov) and looking up the child’s teacher’s credentials by entering the first and last name.

The law also requires that parents be notified when a teacher who is not highly qualified is hired and teaches the child four consecutive weeks or more.

#### **TOBACCO-FREE CAMPUS-HSC 104420, 104495**

SDCOE receives Tobacco Use Prevention funding to adopt and enforce a tobacco-free campus policy. Information about the policy and enforcement procedures may be found online at [www.sdcoe.net](http://www.sdcoe.net). Health and Safety Code section 104495 prohibits smoking and use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground. The prohibition does not apply to a public sidewalk located within 25 feet of a playground.

#### **UNSAFE SCHOOL CHOICE-5 C.C.R. 11993(k); 20 U.S.C. 7912**

Students shall be allowed to attend a safe school. SDCOE shall notify parents or guardians of pupils in elementary and/or secondary schools considered to be “persistently dangerous” pursuant to CDE’s guidelines and of available options for attendance at a safe school. “Any firearms violations” is an event that must be considered in determining whether a school site is at risk of being classified as persistently dangerous.

#### **SCHOOL ACCOUNTABILITY REPORT CARD-EC 35256, 35258**

The School Accountability Report Card (SARC) provides parents and other interested members of the community a variety of information about the school, its resources, its successes, and the areas where it needs improvement. On or before February 1 of each year, an updated copy of the SARC for each SDCOE operated school can be found on SDCOE’s website at [www.sdcoe.net](http://www.sdcoe.net). A hard copy will also be provided upon request to any student’s parent or guardian.

#### **COMPREHENSIVE SCHOOL SAFETY PLAN-EC 32286, 32288**

Each school is required to develop a school safety plan, which includes a comprehensive disaster preparedness plan. Copies of the school safety plan are available for review at the school principal's office during normal business hours.

#### **DUTY CONCERNING CONDUCT OF PUPILS-EC 44807**

All students participating in SDCOE programs or activities will comply with SDCOE policies, rules, and regulations, pursue their studies, and obey the valid authority of SDCOE staff. Any student who feels another participant is disrupting the student's learning environment is strongly encouraged to report that misconduct to a SDCOE staff member. The SDCOE staff member will, in turn, report to the designated SDCOE staff member in charge of handling student complaints. SDCOE staff expects all students enrolled in SDCOE programs or activities to conduct themselves in a manner that enriches the educational environment and does not disrupt the learning process. SDCOE believes all students enrolled in SDCOE programs or activities should experience a positive learning environment. All students participating in SDCOE programs or activities are expected to cooperate by respecting the rights of other participants, which includes the right to a learning environment free from disruptions. Student conduct includes conduct on school grounds, going to and from school, and during recess and lunch periods.

Every teacher has a duty to hold pupils accountable for their conduct on the way to and from school, and on the playground, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree or physical control over a pupil that a parent would be legally privileged to exercise, but which in no event shall exceed, the amount of physical control 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.

#### **DANGEROUS OBJECTS-PENAL CODE 417.27**

SDCOE prohibits dangerous objects on campus, such as laser pointers and B.B. guns, unless possession is for valid instructional or other school-related purpose.

#### **INVESTING FOR FUTURE EDUCATION-EC 48980(d)**

SDCOE encourages the investment by parents or guardians for higher education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

#### **CHILD ABUSE AND NEGLECT REPORTING-PENAL CODE 11164**

SDCOE staff is required by law to report cases of child abuse and neglect to the appropriate law enforcement agency when they have a reasonable suspicion that a child has been a victim of child abuse and/or neglect. Reasonable suspicion does not require certainty that the child abuse and/or neglect has occurred. The reporting staff member's name and report are confidential. The fact that a child is homeless or an unaccompanied minor is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

#### **DISRUPTION IN PUBLIC SCHOOL OR MEETING-EC 32210**

Any person who willfully disturbs any public school or public school meeting is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

## **MEDICAL RECORD SHARING-HSC 120440**

Medical information may be shared with local health departments and the State Department of Public Health. Any information shared shall be treated as confidential medical information. The student or parent or guardian has the right to examine any immunization-related information shared in this manner and to correct any errors in it; and the student or parent or guardian may refuse to allow this information to be shared in the manner described, or to receive immunization reminder notifications at any time, or both. More information regarding medical record sharing including information regarding the immunization registry with which the information may be shared may be found online at [www.sdiz.org](http://www.sdiz.org).

## **MEGAN'S LAW-PENAL CODE-290**

Information about registered sex offenders in California and how to protect their families can be found at [meganslaw.ca.gov/](http://meganslaw.ca.gov/).

## **LIABILITY OF PARENT OR GUARDIAN FOR WILLFUL PUPIL MISCONDUCT-EC 48904**

The parent or guardian of any minor may be held financially liable for the pupil's willful misconduct that results in injury or death to any pupil or person employed or volunteering for SDCOE or injury to real or personal property belonging to SDCOE or an SDCOE employee. The parent or guardian of a minor shall be liable to SDCOE for all property belonging to SDCOE loaned to the minor and not returned upon demand of an employee of SDCOE authorized to make the demand. SDCOE shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma, or transcript pursuant to this Section.

## **CHILDREN IN HOMELESS SITUATIONS-42 U.S.C. 11432**

SDCOE has appointed a liaison for homeless children responsible for ensuring the dissemination of public notice of the educational rights of students in homeless situations.

- 1) Liaison contact information:  
Stephanie Johnston-Austin  
Support Services Supervisor  
Juvenile Court and Community Schools  
[sjohnston@sdcoe.net](mailto:sjohnston@sdcoe.net)
- 2) Circumstances for eligibility include:
  - a. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason
  - b. Children who may be living in motels, hotels, trailer parks, shelters, or awaiting foster care
  - c. Children and youth who have a primary nighttime residence that is public or a private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
  - d. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
  - e. Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above.
- 3) Right to immediate enrollment in school of origin or school where currently residing without proof of residency, immunization records or tuberculosis skin-test results, school records, or legal guardianship papers;

- 4) Right to education and other services including to participate fully in all school activities and programs for which child is eligible, to qualify automatically for school meal programs, to receive transportation services, and to contact liaison to resolve disputes that arise during enrollment;
- 5) No homeless youth shall be required to attend a separate school for homeless children or youth; and
- 6) Homeless youth shall not be stigmatized by school personnel.

More information can be found online at [www.sdcoe.net](http://www.sdcoe.net).

#### **HOMELESS YOUTH IN AFTER SCHOOL PROGRAMS – EC 8483.1**

SDCOE, in collaboration with the San Diego After-School Regional Consortium, currently operates an afterschool program pursuant to the After School Education and Safety Program Act of 2002. SDCOE provides priority enrollment to students as follows. First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. section 11434a), at the time they apply for enrollment or at any time during the school year, and to pupils who are identified by the program as being in foster care. For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily. SDCOE does not require pupils applying for or participating in the program to verify they are homeless or foster youth. Eligible students may receive priority through self-certification or through the SDCOE liaison for homeless children if SDCOE maintains a waiver on file allowing for the release of this information.

#### **ACCEPTABLE USE OF TECHNOLOGY**

SDCOE policy on the acceptable use of technology on school campuses and access by pupils to the internet and on-line sites is available at [www.sdcoe.net](http://www.sdcoe.net).

#### **CUSTODY ISSUES**

Schools are not a forum to settle custody disputes and the school has no legal jurisdiction to refuse a biological parent access to his or her child and the child's school records unless a signed restraining order or proper divorce papers specifically setting forth limitations are on file at the school office. Custody disputes must be handled by the courts.

#### **ELECTRONIC SIGNALING DEVICE-EC 48901.5**

SDCOE policy regulating the rights of pupils to possess or use electronic signaling devices (e.g., cell phones and pagers) on school campuses during the school day or at school activities can be found online at [www.sdcoe.net](http://www.sdcoe.net).

#### **SCHOOL VISITING PROCEDURES-EC 51101(a)(12)**

Penal Code section 627.6: requires schools to post at every entrance a notice of visitor registration requirements, registration hours, registration location, and penalties for the violation of the registration requirements.

#### **WALKING OR RIDING A BIKE TO SCHOOL-VC 21212**

SDCOE requests that parents or guardians of children who walk or ride their bike to school plan a safe route to school with their children. The route shall not involve shortcuts through private property and all students are expected to exhibit good behavior. Furthermore, a student under 18 years of age may be fined for not wearing a properly fitted and fastened helmet, and the parent or legal guardian of a minor who violates this section shall be jointly and severally liable with the minor for the fine.

### **CYBER SEXUAL BULLYING – EC 234.2**

SDCOE may suspend or expel students in its community schools who engage in cyber sexual bullying consistent with the SDCOE's disciplinary procedures described above. The CDE has developed information regarding cyber sexual bullying available at [www.cde.ca.gov/ls/ss/se/bullyingprev.asp](http://www.cde.ca.gov/ls/ss/se/bullyingprev.asp)

### **LOCAL SCHOOL WELLNESS POLICY–EC 49432**

Every public school may post a summary of nutrition and physical activity laws and regulations and shall inform the public about the content of the school's local school wellness policy, established pursuant to the federal Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296). The department shall develop the summary of state law and regulations.

There are student wellness notifications posted in the school offices at each site. Additionally, the local school wellness policy for each SDCOE school is available at [www.sdcoe.net/nutrition](http://www.sdcoe.net/nutrition).

### **ILLEGAL RECORDING OF CONFIDENTIAL COMMUNICATION–PC 632; EC 51512**

It is unlawful to intentionally eavesdrop or record the confidential communication between two or more parties without the consent of all parties to the confidential communication. The eavesdropping or recording of a confidential communication includes by means of any electronic amplifying or recording device whether the communication is carried on among the parties in the presence of one another or by means of a telegraph, telephone, or other device, except a radio. Such an act is punishable by a fine not exceeding \$2,500, or imprisonment in the county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. Additionally, pursuant to Education Code section 51512, the use by any person, including a student, of any electronic listening or recording device in any classroom without prior consent of the teacher and the principal is prohibited. Any person, other than the student, willfully in violation shall be guilty of a misdemeanor. Any pupil in violation is subject to SDCOE's disciplinary procedures.

### **PUPIL COLLECTION OF DEBT-EC 49014**

A pupil or former pupil, unless emancipated at the time the debt is incurred, shall not owe or be billed for a debt owed to an LEA.

An LEA cannot take negative action against a pupil or former pupil for a debt owed, including, but not limited to, all of the following:

- Denying full credit for any assignments for a class;
- Denying full and equal participation in classroom activity;
- Denying access to on-campus educational facilities, including, but not limited to, the library;
- Denying or withholding grades or transcripts;

- Denying or withholding a diploma;
- Limiting or barring participation in an extracurricular activity, club, or sport; and
- Limiting or excluding from participation in an educational activity, field trip, or school ceremony

**ELECTRONIC PRODUCTS OR SERVICES THAT DISSEMINATE ADVERTISING-EC 35182.5**

If SDCOE enters into a contract for electronic products or services that requires the dissemination of advertising to students, the district must provide written notice to the parents or guardians of the students that the advertising will be used in the classroom or other learning centers.

**ACCESS TO STUDENT MENTAL HEALTH SERVICES-EC 49428**

SDCOE shall notify pupils and parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both.

**To notify parents or guardians, a school shall use at least two of the following methods:**

- Distribute the information in a letter (electronic or hardcopy)
- Include the information in the annual parent notification
- Post the information on the school's website or page

**To notify pupils, a school shall use at least two of the following methods:**

- Distribute the information in a document or school publication
- Include the information in pupil orientation materials or in a pupil handbook at the beginning of the year
- Post the information on the school’s website or page

If a school decides to notify parents through distributing the information in a letter and posting the information on the school’s website or page, then it need not also include the information in the annual parent notification.

**PUPIL SUICIDE PREVENTION POLICIES-EC 215**

Before the beginning of the 2020-21 school year, the governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 through 6 shall adopt a policy on pupil suicide prevention for the above grade levels. The age-appropriate policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professionals, and suicide prevention experts. The policy shall also, at minimum, address procedures relating to suicide prevention, intervention, and postvention.

**INFORMATION ABOUT COMPLETION OF APPLICATIONS FOR STUDENT FINANCIAL AID-EC 51225.8**

Commencing with the 2020-21 school year, the governing board/body of school districts and charter schools must ensure that each student, at least once before the pupil enters grade 12, receives information on how to properly complete and submit either the Free Application for Federal Student Aid (FAFSA) or California Dream Act application. A paper copy of the FAFSA or the California Dream Act application must be provided to a pupil or parent/guardian upon request.

The information provided in the notice shall include, but not necessarily be limited to, the following materials:

1. The types of documentation and personal information that each student financial aid application requires, including, but not necessarily limited to, documents relating to income taxes, finances and income, college choices, academic status, and personal identification such as social security or taxpayer identification numbers
2. An explanation of definitions used for each application, such as “legal guardianship,” “household size,” “parent,” “dependent,” and taxable college grants and scholarships”
3. Eligibility requirements for student financial that may be applied for using the FAFSA or the California Dream Act Application
4. Application timelines and submission deadlines
5. The importance of submitting applications early, especially when student financial aid is awarded on a first-come, first-served basis

The manner in which this information is provided shall be at the discretion of the governing board of the school district or charter school.

#### **BULLYING AND HARASSMENT PREVENTION INFORMATION-EC 234.6**

Commencing with the 2020-21 academic year, each county office of education, school district, and charter school – or LEA (“local education agency”) for the purpose of this section – shall ensure that all of the following information is readily accessible in a prominent location on the local educational agency’s existing website in a manner that is easily accessible to parents or guardians and pupils:

1. The LEA’s policy on pupil suicide prevention in grades 7 through 12
2. The LEA’s policy on pupil suicide prevention in kindergarten and grades 1 through 6, including reference to the age appropriateness of that policy
3. The definition of discrimination and harassment based on sex, and the rights derived from the Sex Equity in Education Act
4. The Title IX information and training materials included on a LEA’s internet website
5. A link to the Title IX information included on the department’s internet website
6. The LEA’s written policy on sexual harassment, as it pertains to pupils
7. The LEA’s policy, if it exists, on preventing and responding to hate violence
8. The LEA’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies
9. The LEA’s anti-cyberbullying procedures
10. A section on social media bullying that includes all of the following references to possible forums for social media bullying:
  - a. Internet websites with free registration and ease of registration
  - b. Internet websites offering peer-to-peer instant messaging
  - c. Internet websites offering comment forums or sections
  - d. Internet websites offering image or video posting platforms



11. A link to statewide resources, including community-based organizations, compiled by the department
12. Any additional information the LEA deems important for preventing bullying and harassment

**USE OF SMARTPHONES- EC 48901.7**

A student cannot be prohibited from possessing or using a smartphone at school in the following situations:

1. During an emergency situation or as a response to a perceived threat of danger;
2. When a teacher or administrator gives permission to a student to possess or use a smartphone, subject to reasonable limitations imposed by the person giving permission;
3. When necessary for the health or well-being of a student, as determined by a licensed physician and surgeon; and
4. When possession or use of the smartphone is required pursuant to a student's individualized education program

**SAN DIEGO COUNTY OFFICE OF EDUCATION  
2021-22 ACKNOWLEDGMENT OF RECEIPT AND REVIEW**

Dear Parent/Guardian,

The San Diego County Office of Education is required to annually notify the parents and guardians of rights and responsibilities in accordance with Education Code section 48980.

If you have any questions, or if you would like to review specific documents mentioned in the notice, please contact an administrator at your child's school. They will be able to give you more detailed information and assist you in obtaining copies of any materials you wish to review.

Please complete the "Acknowledgment of Receipt and Review" form below and return it to your child's school.

This annual notification is also available in an electronic format and can be provided to you upon request. If the notice is provided in an electronic format, the parent or guardian shall submit to the school this signed acknowledgement of receipt of the notice. Signature of the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not indicate that consent to participate in any particular program has either been given or withheld.

ACKNOWLEDGMENT OF RECEIPT AND REVIEW

Pursuant to Education Code section 48982, the parent/guardian shall sign this notice and return it to the school. Signature on the notice is an acknowledgment by the parent or guardian that they have been informed of his or her rights but does not necessarily indicate that consent to participate in any particular program or activity has been given or withheld.

Student Name: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Telephone Number: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian (if student is under 18)

\_\_\_\_\_  
Signature of Student (if student is 18 or older)

**SAN DIEGO COUNTY OFFICE OF EDUCATION**  
**2021-22 RELEASE FORM FOR DIRECTORY INFORMATION**  
*(Applicable only for the current school year)*

PARENTS: PLEASE READ AND COMPLETE THE INFORMATION BELOW AND RETURN IT TO YOUR SCHOOL

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_

The primary purpose of directory information is to allow the San Diego County Office of Education (SDCOE) to include this type of information from your child's education records in certain school publications. Directory information includes the pupil's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the pupil, or height and weight of athletes, information that is generally not considered harmful or an invasion of privacy released.

The Family Education Rights and Privacy Act (FERPA) and Education Code section 49073 permit SDCOE to disclose appropriately designated "directory information" without written consent, unless you have advised SDCOE that you do not want your student's directory information disclosed without your prior written consent.

**Student Directory Information**

- I do not wish to have any directory information released to any individual or organization.
- I do not wish to release the name, address and telephone number of the student names above to the agencies I check below.
  - PTA (if applicable)
  - Health department
  - Elected officials
  - Third-party providers of online educational tools (used within the classroom for educational purposes only.)
  - United States Armed Forces\*
  - Universities or other institutions of higher education\*

I am a homeless and unaccompanied youth over the age of 14, or am a parent of a homeless and unaccompanied youth and authorize the release of my directory information in accordance with the law and SDCOE policy.

**Media Release**

- The student may be interviewed, photographed, or filmed by members of the media.
- The student may NOT be interviewed, photographed, or filmed by members of the media.

\_\_\_\_\_  
Signature of Parent/Guardian (if student is under 18)

\_\_\_\_\_  
Signature of Student (if student is 18 or older)

\_\_\_\_\_  
Signature of Student (if over age of 14 and homeless and unaccompanied youth.)

**SAN DIEGO COUNTY OFFICE OF EDUCATION**  
**2021-22 PARENTAL OPTIONS**  
*(Applicable only for the current school year)*

PARENTS: PLEASE READ AND COMPLETE THE INFORMATION BELOW AND RETURN IT TO YOUR SCHOOL

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_

**Physical Examination**

The San Diego County Office of Education (SDCOE) may require physical examinations of students enrolled in SDCOE programs or activities. Any physical examination required by SDCOE shall be kept confidential. A parent or guardian having control or charge of any child enrolled in public schools may file annually with the principal of the school in which they are enrolled a statement in writing, signed by the parent or guardian, stating that they will not consent to a physical examination of the child.

- I **do not** want my child to undergo a physical exam for SDCOE programs or activities.
- I grant consent for my child to undergo a physical exam for SDCOE programs or activities.

**Sexual Health and HIV/AIDS Prevention Education**

Students enrolled in SDCOE programs or activities may receive instruction in health education, including comprehensive sexual health education and HIV prevention, and including information regarding sexual harassment, sexual abuse, and human trafficking. Parents or guardians may submit a written request to excuse their child from participation in any class involving comprehensive sexual education or HIV prevention education, or from participation in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

I would like my child **excused** from:

- Participation in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

All instructional materials are available for review. You may also request a copy of the California Healthy Youth Act (California Education Code sections 51930–51939).

This instruction will be provided by (name of school district personnel/outside consultants).

If you do not want your student to participate in comprehensive sexual health or HIV prevention education, please provide a signed, written note to your student's school by September 1, 2021.

### Right to Refrain From Harmful or Destructive Use of Animals

Pursuant to Education Code section 32255, et seq., any student with a moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, shall notify his or her teacher regarding this objection. The student must obtain a note from his or her parent or guardian requesting exemption from participation in an education project involving the harmful or destructive use of animals.

- I would like my child excused from participation in an education project involving the harmful or destructive use of animals
- My child **may** participate in an education project involving the harmful or destructive use of animals.

\_\_\_\_\_  
Signature of Parent/Guardian (if student is under 18)

\_\_\_\_\_  
Signature of Student (if student is 18 or older)

### Acknowledgement of Parent or Guardian of Specific School Athletics Activities

(Please sign and return to your child's school.)

STUDENT'S NAME \_\_\_\_\_

SCHOOL \_\_\_\_\_

GRADE \_\_\_\_\_

*Student is on a continuing medication program. (Please check) Yes \_\_\_\_\_ No \_\_\_\_\_*

IF YES, you have my permission to contact my physician.

PHYSICIAN'S NAME \_\_\_\_\_

PHYSICIAN'S TELEPHONE \_\_\_\_\_

MEDICATION \_\_\_\_\_

DOSAGE \_\_\_\_\_

*I hereby acknowledge receipt of information regarding my rights, responsibilities and protections. I also attest under penalty of perjury that I am a resident of the district, as previously verified, or attend under an approved interdistrict attendance agreement.*

SIGNATURE OF PARENT OR GUARDIAN \_\_\_\_\_

DATE \_\_\_\_\_

**SAN DIEGO COUNTY OFFICE OF EDUCATION  
2021-22 ANNUAL PESTICIDE NOTIFICATION REQUEST**

PARENTS: PLEASE READ AND COMPLETE THE INFORMATION BELOW AND RETURN IT TO YOUR SCHOOL

Parents/guardians can register with the school to receive notification or individual pesticide applications. Persons who register for this notification shall be notified at least 72 hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

Parents/guardians seeking access to information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, can do so by accessing the Department's web-site at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

---

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_

- I would like to be pre-notified every time a pesticide application is to take place at the school. I understand that the notification will be provided at least 72 hours before the application.
- I do not need to be notified every time a pesticide application is to take place at the school. I understand that the notification will be posted at least 24 hours before the application.

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Signature of Parent/Guardian (if student is under 18)

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Signature of Student (if student is 18 or older)

## ACCEPTABLE USE AGREEMENT

While using SDCOE PROVIDED TECHNOLOGY either at home or school, all students are expected to observe the requirements of SDCOE's Use of Technology in Instruction and Student Use of Technology policies. These requirements are set forth in District Board Policy 3600 and Board Policy/Administrative Regulations 3600 and 6163.

In particular, you should be aware that SDCOE IS providing content-filtering for any internet usage your student may engage in while using SDCOE-provided technology at home. Students and parents/guardians are therefore responsible to ensure that student engages in responsible use. SDCOE is not liable for any inappropriate content that may be accessed during this period of time.

Inappropriate conduct by students in regards to the use of SDCOE-provided technology includes, but is not limited to:

- Accessing material that is obscene, pornographic, or harmful to minors.
- Use of SDCOE-provided technology and/or resources to harass or bully others.
- Destruction or damage to equipment, software, or data belonging to the District or others.

All SDCOE-provided technology are the sole, exclusive property of SDCOE. Any cost involved in replacement or repair of a computer is the responsibility of the student and/or parent(s)/guardian(s).

\_\_\_\_\_  
Parent or Legal Guardian Printed

\_\_\_\_\_  
Parent or Legal Guardian Signature

\_\_\_\_\_  
Date

## LETTER TO PARENTS REGARDING INTERNET SAFETY FOR STUDENTS

Dear Parent/Guardian,

The San Diego County Office of Education (SDCOE) prides itself on providing a safe learning environment for our students. An emerging national concern is the inappropriate use of the internet by students. This problem has the potential to be harmful, and we ask your support in assisting us with this challenge.

Across the nation, schools have seen an increase in negative student behavior as a result of messages written and posted to popular social media websites. Many of the social media websites contain instant messaging components that allow students to chat with other students and post statements that ordinarily would not be said in a face-to-face conversation.

Unfortunately, some of these websites are being used by child predators, "cyber bullies," and con artists. Unfortunately, some students use the sites to participate in online bullying or to threaten harm to other students. The so-called "cyber bullies," mostly children between the ages of 9 and 14, use the anonymity of the web to hurt others without witnessing the consequences. Students who are bullied online sometimes do not report these occurrences for fear that they will be barred from using the internet.

Outside of our schools, there have been instances of adults posing as youths and gaining access to student chat rooms. In some cases, these contacts have led to tragedy. Some unsuspecting students post enough personal information that predators are able to locate students' home or school addresses, thereby becoming easy targets for predators.

SDCOE has blocked the use of these social networking sites from our school computers. We will continue to block objectionable material as we deem appropriate. Parents should be aware of what their children are writing on the internet and what others are posting in reply. These social networking websites are public domain, and some of the content posted there can be seen by anyone who has internet access. If you choose to do so, you may investigate the sites by personally logging on to the sites. The services are free, and users may register using an e-mail address. Once you have registered, you can search by name and e-mail address to see if your child is registered. You can narrow the search result by entering the name of your city. You will be able to view the kinds of personal information, messages, diaries, and photographs that students post to the site.

We encourage you to talk to your child about the potential danger of the internet. Ask if they have an account on any social media website. If your child is using such a site with your permission, you may want to review his or her profile to ensure that no personal and identifiable information has been posted.

We also encourage you to establish rules and guidelines to ensure the safety of your child while on the internet. Some websites offer parental or family guidance for internet safety, including [www.connectsafely.org](http://www.connectsafely.org) and [www.webwisekids.org](http://www.webwisekids.org).

SDCOE will continue to provide internet security within our schools. It is important that parents also monitor Internet use at home.

Thank you for your support and cooperation in keeping our students safe. If you have any questions or would like more information, please contact Allison Wulff at 858-290-5806.

Sincerely,

Tracy E. Thompson  
Executive Director  
Juvenile Court and Community Schools



**SAN DIEGO COUNTY OFFICE OF EDUCATION**  
**2021-22 CONCUSSION INFORMATION SHEET**  
*(Applicable only for the current school year)*

A concussion is a brain injury caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. They can range from mild to severe and can disrupt the way the brain normally works. Even though most concussions are mild, **all concussions are potentially serious and may result in complication including prolonged brain damage and death if not recognized and managed properly.** In other words, even a “ding” or a bump on the head can be serious. You can’t see a concussion and most sports concussions occur without the loss of consciousness. Signs and symptoms of a concussion may show up right after the injury or can take hours or days to fully appear. If your child reports any symptoms of concussion, or if you notice the symptoms or signs of a concussion yourself, seek medical attention right away.

Signs and symptoms of a concussion may include one or more of the following:

Headaches	Amnesia
Pressure in the head	Slurred speech
Nausea and vomiting	Fatigue or low energy
Neck pain	Loss of consciousness
Balance problems or dizziness	Nervousness or anxiety
Blurred, double, or fuzzy vision	Irritability
Sensitivity to light or noise	Ringing in the ears
Feeling sluggish or slow	Confusion
Feeling foggy or groggy	Concentration or memory problems
Drowsiness	Change in sleep pattern
Sadness/More emotional	Repeating the same comment/question
Seizures/convulsions	Shows behavior or personality changes

**What can happen if my child keeps on playing with a concussion or returns to school?**

Athletes with the signs and symptoms of a concussion should be removed from play immediately. Continuing to play with the signs and symptoms of a concussion leaves the young athlete especially vulnerable to greater injury. There is an increased risk of significant damage from a concussion for a period of time after that concussion occurs, particularly if the athlete suffers another concussion before completely recovering from the first one. This can lead to prolonged recovery, or even the severe brain swelling (second impact syndrome) with devastating and even fatal consequences. It is well-known that adolescent or teenage athletes will often under report symptoms of injuries. Concussions are no different. As a result, education of administrators, coaches, parents, and students is the key for student/athlete safety.

**If you think your child has suffered a concussion**

Pursuant to Education Code section 49475, any athlete even suspected of suffering a concussion shall be immediately removed from the athletic activity for the remainder of the day. No athlete may return to activity after an apparent head injury or concussion, regardless of how mild it seems or how quickly symptoms clear, without medical clearance from a licensed health care provider. If the licensed health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider.

You should also inform your child’s coach if you think that your child may have a concussion. Remember, it’s better to miss one game than miss the whole season. When in doubt, the athlete sits out.

For current and up-to-date information on concussions you can go to:

<https://www.cdc.gov/headsup/youthsports/index.html>.

\_\_\_\_\_  
Student-athlete Name (printed)

\_\_\_\_\_  
Student-athlete Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent or Legal Guardian (printed)

\_\_\_\_\_  
Parent or Legal Guardian Signature

\_\_\_\_\_  
Date

*Adapted from the CDC and the 3rd International Conference on Concussion in Sport Documents created May 20, 2010.*

**SAN DIEGO COUNTY OFFICE OF EDUCATION**  
**2021-22 SUDDEN CARDIAC ARREST**  
**INFORMATION SHEET**  
 (Applicable only for the Current School Year)

Sudden Cardiac Arrest (SCA) is a life-threatening emergency that occurs when the heart suddenly stops bearing. It strikes people of all ages – including children and teens – and can lead to death in minutes if the individual does not get help immediately. **Survival depends on people nearby calling 911, starting CPR<sup>1</sup>, and using an available AED<sup>2</sup> as soon as possible.**

SCA is not the same as a heart attack. Here are some key differences:

<b>SCA VICTIM:</b>	<b>HEART ATTACK VICTIM:</b>
Unresponsive	Responsive
Not breathing normally	Breathing
Needs CPR/AED	Does not need CPR/AED

Recognizing SCA as it occurs is imperative to survival; it is the third leading cause of death in the United States. It affects 1,000 people every day, and only 1 in 10 currently survive. However, the administration of CPR and AED from bystanders can improve the survival rate to 5 in 10.

If an athlete has passed out or fainted during an athletic activity, the athlete shall immediately be removed from the athletic activity for the remainder of the day, and shall not be permitted to return to any athletic activity until the athlete receives written clearance to return to athletic activity from a licensed healthcare provider. If the licensed healthcare provider suspects that the athlete has a cardiac condition that puts the athlete at risk for sudden cardiac arrest or other heart-related issues, the athlete shall remain under the care of the licensed healthcare provider to pursue a follow-up testing until the athlete is cleared to play.

Each athlete and the athlete’s parent/guardian must sign and return this information sheet before initiating practice or competition. However, athletes 18 years of age or older do not need to have a parent/guardian sign, and athletes 6 years of age or younger only need the signature of their parent/guardian.

Student-athlete Name Printed	Student-athlete Signature	Date
------------------------------	---------------------------	------

Parent or Legal Guardian Printed	Parent or Legal Guardian Signature	Date
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Adapted from the Sudden Cardiac Arrest Foundation. Learn more at [sca-aware.org](http://sca-aware.org).

<sup>1</sup> CPR: Cardiopulmonary resuscitation is when you push hard and fast on the center of chest to make the heart pump; compression may be given with or without rescue breaths.

<sup>2</sup> AED: Automated external defibrillator is a device that analyzes the heart and if it detects a problem may deliver a shock to restart the heart’s normal rhythm.

**SAN DIEGO COUNTY OFFICE OF EDUCATION**  
**2021-22 ORAL HEALTH NOTIFICATION LETTER**  
*(to accompany Oral Health Assessment/Waiver Request Form)*

Dear Parent/Guardian,

To make sure your child is ready for school, California Education Code section 49452.8 requires that your child have an oral health assessment (dental check-up) by May 31 in either kindergarten or 1st grade, whichever is his or her first year in public school. Assessments that have happened within the 12 months before your child enters school also meet this requirement. The law specifies that the assessment must be done by a licensed dentist or other licensed or registered dental health professional.

Take the attached Oral Health Assessment/Waiver Request form to the dental office, as it will be needed for your child's check-up. If you cannot take your child for this required assessment, please indicate the reason why in Section 3 of the form. You can get more copies of the necessary form at your child's school or online from the CDE's website at <https://www.cde.ca.gov/ls/he/hn/>. California law requires schools to maintain the privacy of students' health information. Your child's identity will not be associated with any report produced as a result of this requirement.

The following resources will help you find a dentist and complete this requirement for your child:

1. Medi-Cal/Denti-Cal's toll-free number or website can help you to find a dentist who takes Denti-Cal: 1-800-322-6384; [www.denti-cal.ca.gov](http://www.denti-cal.ca.gov). For help enrolling your child in Medi-Cal/Denti-Cal, contact your local social service agency at 866-262-9881.
2. Healthy Families' toll-free number or website can help you to find a dentist who takes Healthy Families insurance or to find out if your child can enroll in the program: 1-800-880-5305 or [www.benefitscal.com/](http://www.benefitscal.com/).
3. For additional resources that may be helpful, contact your local public health care department or [Dental Health Initiative](#) – San Diego at 619-692-8858.

Remember, your child is not healthy and ready for school if they have poor dental health! Here is important advice to help your child stay healthy:

- Take your child to the dentist twice a year.
- Choose healthy foods for the entire family. Fresh foods are usually the healthiest foods.
- Brush teeth at least twice a day with toothpaste that contains fluoride.
- Limit candy and sweet drinks, such as punch or soda. Sweet drinks and candy contain a lot of sugar, which causes cavities and replaces important nutrients in your child's diet. Sweet drinks and candy also contribute to weight problems, which may lead to other diseases, such as diabetes. The less candy and sweet drinks, the better!

Baby teeth are very important. They are not just teeth that will fall out. Children need their teeth to eat properly, talk, smile, and feel good about themselves. Children with cavities may have difficulty eating, stop smiling, and have problems paying attention and learning at school. Tooth decay is an infection that does not heal and can be painful if left without treatment. If cavities are not treated, children can become sick enough to require emergency room treatment, and their adult teeth may be permanently damaged.

Many things influence a child's progress and success in school, including health. Children must be healthy to learn, and children with cavities are not healthy. Cavities are preventable, but they affect more children than any other chronic disease.

If you have questions about the oral health assessment requirement, please contact Elly Slater-Kobetsky at 858- 290-5867.

Sincerely,  
Tracy E. Thompson  
Executive Director

**SAN DIEGO COUNTY OFFICE OF EDUCATION  
2021-22 ORAL HEALTH ASSESSMENT FORM**

California law (*Education Code* section 49452.8) states your child must have a dental check-up by May 31 of his/her first year in public school. A California licensed dental professional operating within his scope of practice must perform the check-up and fill out Section 2 of this form. If your child had a dental check-up in the 12 months before they started school, ask your dentist to fill out Section 2. If you are unable to get a dental check-up for your child, fill out Section 3.

**Section 1: Child's Information (Filled out by parent or guardian)**

Child's First Name:	Last Name:	Middle Initial:	Child's birth date:
Address:			Apt.:
City:			ZIP code:
School Name:	Teacher:	Grade:	Child's Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
Parent/Guardian Name:	Child's race/ethnicity: <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Multi-racial <input type="checkbox"/> Other _____ <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Unknown		

**Section 2: Oral Health Data Collection (Filled out by a California licensed dental professional)**

**IMPORTANT NOTE:** Consider each box separately. Mark each box.

Assessment Date:	Caries Experience (Visible decay and/or fillings present) <input type="checkbox"/> Yes <input type="checkbox"/> No	Visible Decay Present: <input type="checkbox"/> Yes <input type="checkbox"/> No	Treatment Urgency: <input type="checkbox"/> No obvious problem found <input type="checkbox"/> Early dental care recommended (caries without pain or infection; or child would benefit from sealants or further evaluation) <input type="checkbox"/> Urgent care needed (pain, infection, swelling or soft tissue lesions)
<div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> <span><b>Licensed Dental Professional Signature</b></span> <span><b>CA License Number</b></span> <span><b>Date</b></span> </div>			

**Section 3: Waiver of Oral Health Assessment Requirement**

**To be filled out by parent or guardian asking to be excused from this requirement**

Please excuse my child from the dental check-up because: (Check the box that best describes the reason)

- I am unable to find a dental office that will take my child's dental insurance plan.  
My child's dental insurance plan is:
  - Medi-Cal/Denti-Cal    Healthy Families    Healthy Kids    Other \_\_\_\_\_    None
- I cannot afford a dental check-up for my child.
- I do not want my child to receive a dental check-up.

Optional: other reasons my child could not get a dental check-up: \_\_\_\_\_

**If asking to be excused from this requirement:** ► \_\_\_\_\_  
*Signature of parent or guardian*
*Date*

The law states schools must keep student health information private. Your child's name will not be part of any report as a result of this law. This information may only be used for purposes related to your child's health. If you have questions, please call your school.

**Return this form to the school *no later than September 1* of your child's first school year.**

*Original to be kept in child's school record.*

## **SAN DIEGO COUNTY OFFICE OF EDUCATION FAQs: RIGHTS AND OPTIONS AVAILABLE TO PREGNANT/PARENTING PUPILS**

Assembly Bill (AB) 2289 states that 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 by establishing specified rights. The law is effective as of January 2019.

### **Can my school treat me differently because of my pregnancy or parental status?**

No, Title IX of the United States Code prohibits discrimination based on sex, which includes both pregnancy and parental status.

### **Can my school prevent me from participating in any educational program or activity?**

No, a school may not exclude or deny a pregnant or parenting pupil from any educational program or activity, including class or extracurricular activity, based solely on the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. However, a school may require a pupil to obtain a doctor's note to ensure that they are emotionally and/or physically able to continue participation in the educational program.

### **Can my school force me to take part in a pregnant minor program?**

No, a pregnant or parenting pupil does not have to participate in any alternative educational program because of pregnancy or parental status. A student may voluntarily take part in these programs if they choose.

### **Am I entitled to any parental leave in preparation or to take care of my newborn child?**

Yes, any pregnant or parenting pupil is entitled to a minimum of eight weeks of parental leave, which may be increased under medical necessity. A pupil is not required to complete any class work during this period, and it must be counted as an excused absence by the school.

### **What if my child is sick?**

Taking care of a sick child counts as an excused absence, and the school may not require you to provide a doctor's note for this kind of absence.

### **What happens when I return to school?**

A pregnant or parenting pupil will return to their normal course of study. The pupil is entitled to opportunities to make up any missed work from parental leave. This includes being able to stay for a fifth year of school to complete graduation requirements. The pupil may also enroll in an alternative educational program provided it is equal to that of their former schoolwork.

### **Do these rights only apply to pregnant pupils?**

No, these rights apply equally to all pregnant and parenting pupils, defined as any student who gives or expects to give birth, or any student who identifies as a parent of an infant. A pupil may file a uniform complaint if their school violates the rules above.