

# Hermosa Beach City School District

## RIGHTS AND RESPONSIBILITIES

### EXCERPTS FROM THE CALIFORNIA EDUCATION CODE

**E.C. 200 *et seq.* – Nondiscrimination:** State and federal law prohibit discrimination in education programs and activities. State law, E.C. 200 *et seq.* requires districts to afford all pupils regardless of gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, mental or physical disability, sexual orientation or the perception of one or more of such characteristics equal rights and opportunities in education. EC 201(e) states there is an urgent need to teach and inform pupils about their rights, as guaranteed by the constitution, to increase pupil awareness and understanding of their rights and the rights of others, with the in the intention of promoting tolerance and sensitivity in schools and society. Title VI of the Civil Rights Act of 1964 prohibits discrimination on basis of race, color and national origin. Title IX, Educational Amendment Act of 1972, prohibits discrimination on the basis tolerance sex. The Americans with Disabilities Act and Section 504 prohibit discrimination on the basis of disability. A school district or the California Department of Education may investigate complaints regarding discrimination through the Uniform Complaint Procedure. The Office for Civil Rights has authority to enforce federal laws in all programs and activities that receive federal funds.

**E.C. 221.5 (d) – Sex Equity in Career Planning:** Requires district to notify parents in advance of career counseling and course selection, commencing with course selection for grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions.

**E.C. 231.5 – Sexual Harassment Policy:** Requires a copy of written policy regarding sexual harassment displayed in prominent location, provided as part of any orientation for new students, distributed to all employees, and included in publication that set forth standards of conduct for the district.

**E.C. 310, 311 – English Language Education; Parental Waiver:** Requires district to inform parents of placement of child in structured English immersion program and of opportunity to apply for waiver. Notice to include a description of the locally-adopted procedures for requesting a parental exception waiver, and any locally-adopted guidelines for evaluating a parental waiver request.

**E.C. 32501, 48900(q) – Hazing; Misdemeanor:** Prohibits pupils or other persons in attendance at any public or private educational institution from conspiring to engage in hazing, as defined. Violation of E.C. 32051 is a misdemeanor.

**E.C. 32255 *et seq.* - Rights to Refrain from Harmful or Destructive Use of Animals:**

Any pupil with a moral objection to dissecting or otherwise harming or destroying an animal, or any parts thereof, must inform his or her teacher of the objection. Objections must be substantiated by a note from the pupil's parent or guardian.

A pupil who chooses to refrain from participation in an education project involving the harmful or destructive use of animals may receive an alternative education project, if the teacher believes that an adequate education project is possible. The teacher may work with the pupil to develop and agree upon an alternate education project so that the pupil may obtain the knowledge, information, or experience required by the course of study in question.

**E.C. 32286 – Comprehensive School Safety Plan; Annual Report:** Requires school sites each July to report on status of school safety plan, including description of key elements, in the annual school accountability report card prepared under E.C. 33126 & 35256.

**E.C. 32288 – Comprehensive School Safety Plan; Notice to Specified Persons and Entities:** Requires school site council or school safety planning committee to notify, in writing, specified persons and entities about the required public meeting to allow members of the public an opportunity to express an opinion about the school plan. Specified persons or entities shall include: the mayor; representative of the local school employee organization; representative of parent organizations including the parent teacher organization and parent teacher clubs; a representative of each teacher organization at the school site; a representative of the student body government; and all other persons that indicate they want to be notified.

**E.C. 33308.1 – Child Abuse Complaint Guidelines:** Requires State Department of Education to adopt guidelines to be disseminated to parents or guardians describing procedures to follow in filing a complaint of child abuse against a school employee.

**E.C. 35183, 35183.5 – Dress Codes or School Uniforms “Gang-Related Apparel”; Sun-Protective Clothing and Use of Sunscreen by Pupils:** Authorizes district to adopt reasonable dress code that requires pupils to wear school-wide uniform or prohibits gang-related clothing. Adoption of school-wide uniform requires six month notice to parents, availability of resources to assist economically disadvantaged pupils, and method to opt out. E.C. 35183.5 requires schools to allow for outdoor use, during the school day, articles of sun-protective clothing. Authorizes sites to set policy regarding type of clothing to be allowed. Further provides for use of sunscreen by students, during school day, without physician’s note or prescription. Authorizes schools to establish policy regarding use of sunscreen.

**E.C. 35186 – Supplemental Uniform Complaint Procedure (Williams):** Requires district to establish policies and procedures regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment. District to adopt policies and post notices by January 1, 2005. Further requires district to use Uniform Complaint Procedures (5 CCR 4600 *et seq.*) to identify and resolve complaints regarding these issues. Sets forth different timelines for investigation and resolution of complaints than timelines specified under Uniform Complaint Procedures.

**E.C. 35256, 35258 – School Accountability Report Card, Internet Accessibility:** Requires districts to develop for each school a school accountability report card. Content of report card defined under EC § 33126, amended for 2006-2007, to include revised estimated expenditures revised estimated expenditures per pupil and types of services funded, e.g., personnel salaries; schools identified by governing board as having insufficient textbooks or instructional materials including percentage of pupils lacking sufficient standards-aligned textbooks or instructional materials by subject area; and career technical education data measures, as specified. Content further defined under EC §§ 32286 (school safety plan) and 52056 (Academic Performance Index). Schools encouraged to make concerted effort to notify parents of purpose of school accountability report cards, ensure that all parents receive copy of the report card, and ensure that districts with internet access make copies of report available through internet. Further requires notification to parents that copy will be provided upon request.

**E.C. 35291, 35291.5 Rules and Procedures on School Discipline** –Requires school district to prescribe rules for the government and discipline of pupils at schools under its jurisdiction. Provides each school site may adopt rules and procedures on school discipline applicable to the school. Further provides school district may prescribe procedures to provide written notice to pupils and parent regarding school discipline rules and procedures.

**E.C. 44807 – Duty Concerning Conduct of Pupils:** Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

**E.C. 46010.1 – Absence for Confidential Medical Services Without Parental Consent:** School authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the parent or guardian.

**E.C. 46014 - Absences for Religious Instruction:** Pupils with written consent from their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective place of worship, or at another suitable place away from school property designated by the religious group, church or denomination, which shall be in an addition and supplementary to the instruction in manners and morals required elsewhere in this code. Such absence shall not be deemed an absence in computing average daily attendance if all of the following conditions are complied with:

- a. The governing board of the district of attendance, at its discretion, shall first adopt a resolution permitting pupils to be absent from school for such exercises or instruction.
- b. The governing board shall adopt regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof.
- c. Each pupil so excused shall attend school at least the minimum school day at his/her grade level for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education for Secondary Schools.
- d. No pupil shall be excused from school for such purpose on more than four days per month.

**E.C. 46600 *et seq.* – Interdistrict Attendance Agreement:** The parent or legal guardian of a pupil may seek release from their home district to attend a school in any other school district. The terms and conditions for release or acceptance are set by the home and accepting districts. Allows for two or more districts to enter into an agreement for the interdistrict transfer of one or more students for a period of up to five years.

**E.C. 48200 -** A minor between the ages of 6 and 18 years is subject to compulsory education, and, unless exempted, must enroll in school in the school district in which the residence of either the parent or legal guardian is located.

**E.C. 48204 - Residency Requirements:** A pupil may alternatively comply with the residency requirements for school attendance in a school district, if he or she is any of the following: placed in a foster home or licensed children’s institution within the boundaries of the school district pursuant to a commitment or placement under the Welfare and Institution Code; an emancipated

pupil who resides within the boundaries of the school district; a pupil who lives in the home of a caregiving adult that is located within the boundaries of the school district; or a pupil residing in a state hospital located within the boundaries of the school district.

**E.C. 48205 - Excused Absences:** Enumerates reasons for which absence shall be excused, including justifiable personal reasons pursuant to uniform standards established by governing board. Provides that pupil with excused absence shall receive full credit for all assignments and tests missed, that can be reasonably provided and completed.

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

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

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. For purpose of this section, attendance at religious retreats shall not exceed four hours per semester. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments. "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."

**E.C. 48206.3 – Pupils with Temporary Disabilities; Individual Instruction:** Requires district to notify parents of individualized instruction for pupils with temporary disabilities. Provision does not apply to pupils identified as an individual with exceptional needs under EC 56026.

**E.C. 48207 - Pupils with Temporary Disabilities in Hospitals; Residency:** Defines pupils, hospitalized with a temporary disability, as residents of the school district in which the hospital is located.

**E.C. 48208 – Presence of Pupil with Temporary Disability in Hospital; Notice by Parent:** Requires district to inform parent of responsibility to notify district, in which hospital located.

**E.C. 48216; HSC 120365, 120370- Exclusion of Pupils Not Immunized; Exceptions:** Requires district to exclude pupil not properly immunized and to notify parent or guardian that they have two weeks to supply evidence that pupil properly immunized or that pupil exempt from immunization requirements as specified in HSC §§ 120365 or 120370. Notification to also refer parent or guardian to usual sources of medical services to obtain immunizations.

**E.C. 48302- Informational Hearings on Educational Programs:** Encourages districts to hold informational hearings on current educational programs district is offering to allow parents input on methods to improve current program and to make informed educational decisions.

**E.C. 48850 – Foster Pupils:** Requires district's educational liaison to ensure pupils in foster care receive stable school placements which are in the best interests of the child, placement in the least restrictive educational programs, access to academic resources, services, and extracurricular and enrichment activities available to all pupils, full and partial credits for coursework taken, and meaningful opportunity to meet state pupil academic achievement standards.

**E.C. 48900;** Grounds for suspension or expulsion; legislative intent: Chapter 6. Pupil rights and Responsibilities (Chapter 6 enacted by stats. 1976, ch. 110) Article 1. Suspension or Expulsion (Article 1 repealed and added by Stats. 1983 Ch 398, Sec. 91.

Effective July 28, 1983) - A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person, or (2) willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any 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 the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcohol beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any 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 then either sold, delivered, or otherwise furnished to any 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) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or any 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 and drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) 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.
- (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 a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 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 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) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following: (1) while on school grounds, (2) while going to or coming from school, (3) during the lunch period whether on or off the campus, (4) during, or while going to or coming from, a school sponsored activity.
- (q) It is the intent of the Legislature that alternatives to suspensions or expulsions be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

**E.C. 48900.1 – Attendance of Suspended Pupil’s Parent or Guardian for Part of School Day:** Districts may adopt board policy authorizing teacher to require parent of pupil, suspended for violating EC 48900(i) or (k), to attend a portion of the school day in the classroom. Parents to notified of policy prior to implementation.

**E.C. 48901.5 - Electronic Signaling Devices:** No school shall permit the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of the school while the pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees, without the prior consent of the principal or his or her designee. No pupil shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the health of a pupil and use of which is limited for purposes related to the health of the pupil.

**E.C. 48904 – Withholding Grades for Property Damage; Parental Liability:** The parents or guardian of any minor whose willful misconduct results in injury or death to any pupil or any person employed by, or performing volunteer services for, a school district or private school or who willfully cuts, defaces, or otherwise injures in any way any property of any school employee, shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed seven thousand five hundred dollars (\$7,500). The parent or guardian shall also be liable for the amount of any reward not exceeding seven thousand five hundred dollars (\$7,500) paid pursuant to Section 53069.5 of the Government Code. The parent or guardian of a minor shall

be liable to a school district or private school for all property belonging to the school district or private school loaned to the minor and not returned upon demand of any employee of the district or private school authorized to make the demand.

**E.C. 48904.3 – Reciprocal Withholding of Grades:** Requires district to which pupil transfers, upon receiving notice that a district has withheld records of pupil under EC § 48904, to also withhold records until such time that it receives notice, from the district initiating decision to withhold, that decision has been rescinded.

**E.C. 48915 (c) -** The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- (1) Possession, selling, or otherwise furnishing a firearm. This subdivision does not apply to the act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
- (2) Brandishing a knife at another person.
- (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

**E.C. 48980 (d) – Investing for Future Education -** Parents or guardians are advised of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to, United States Savings Bonds.

**E.C. 48980 (k) – Grade Reduction/Loss of Academic Credit:** Parents or guardians are advised that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

**E.C. 49063 - Pupil Records, Notification of Rights (PL93-380):** Schools are legally required to keep a cumulative record for each pupil. The record includes subjects taken, enrollment, grades, and results of achievement tests. Special records are maintained for students in Special Education programs. In addition, records are kept concerning health, conduct, special awards and honors. The law designates those specific personal, agencies, and organizations that may have access to pupil records. All others must have parent consent. This information is available to parents or guardians upon request at the school office.

Parents or guardians have the right to receive a copy of pupil's permanent enrollment and scholarship record transferred to a school in which the pupil intends to enroll, and to a hearing to challenge the contents. A list of location of all pupil's records, names and positions of persons with access and responsibility, is maintained in the school office.

Directory information is frequently needed and released for the benefit of the student, such as one who is to be granted an honor or award or who is deserving of public recognition. It also means the student's name, address, date and place of birth, participation in officially recognized activities and sports, dates of attendance, awards received and the most recent previous, public or private school attended by the pupil. Examples of recipients of directory information according to designated categories are the grantors of honors and non financial awards, news media, work experience employers, parent-teacher associations and advisory councils. No directory information shall be released if the parent or guardian notifies the school district of an objection.

A statement of policy and procedures regarding pupil records is available to parents/guardians and eligible students upon request at the school office. Parents/guardians and eligible students have the right to file a complaint with the Department of Education if an educational institution fails to comply with PL93-390, Section 438.

**E.C. 49073 - Pupil Records - Directory Information:** Requires notice on annual basis of the categories of directory information that the school plans to release and of the persons or agencies who may receive such information. Authorizes parents to preclude release by notifying district.

**E.C. 49091.14 - Prospectus of School Curriculum:** Requires each school to compile annually a prospectus of the curriculum including titles, descriptions and instructional aims of every course offered by the school. Prospectus to be reproduced and made available upon request by parent or guardian, for inspection.

**E.C. 49403 - Immunization of Pupils for Communicable Diseases:** Anything to the contrary notwithstanding, the governing board of any school district shall cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For that purpose the board may use funds, property and personnel of the district, and may permit any person licensed as a physician, surgeon, or any person licensed as registered nurse acting under the direction of a supervising physician or surgeon, to administer an immunizing agent to any pupil whose parents have consented, in writing, to the administration of such immunizing agent. Effective August 1, 1997, all children entering Kindergarten shall be fully immunized against Hepatitis B.

**E.C. 49423 - Administration of Prescribed Medication; Inhaled Asthma Medication:** Notwithstanding the provisions of Section 49422, any pupil who is required to take, during the regular school day, medication prescribed for him/her by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives 1) a written statement from such physician detailing the method, amount, and time schedule by which such medication is to be taken and 2) a written statement from the parent or guardian of the pupil, indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement or by which pupils may self-administer auto-injectable epinephrine at school.

**E.C. 49423.1 – Inhaled Asthma Medication:** Process by which school personnel may assist pupils or by which pupils may self-administer inhaled asthma medication at school.

**E.C. 49451 - Physical Examination - Parents' Refusal to Consent:** A parent or guardian having control or charge of any child enrolled in public school may file annually with the principal of the school in which he/she is enrolled, a statement in writing, stating that he/she will not consent to a physical examination of his/her child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, the pupil shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

**E.C. 49452 - Vision and Hearing Appraisal - Scoliosis Test:** The governing board of any school district shall provide for testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified employees or by contract with an agenda duly authorized to perform such services.

**E.C. 49471- Medical and Hospital Service Not Provided:** Requires district maintaining middle or high school to notify, in writing, parent or guardian of each pupil participating in athletic activity, when district does not provide medical and hospital services for pupils injured while participating in athletic activities.

**E.C. 49472 - Insurance Plan for Pupils:** The governing board of any school district which does not employ at least five physicians as full time supervisors of health, or the equivalent thereof, may provide or make available, medical or hospital service, or both, through non-profit membership corporations defraying the cost of medical or hospital services, or both, or through group, blanket or individual policies of accident insurance or through policies of liability insurance from authorized insurers, for injuries to pupils of the district or districts arising out of accidents occurring while in or on buildings and other premises of the district during the time such pupils are required to be in attendance on a regular school day, or while being transported by the district to and from school or other place of instruction, or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places. No pupil shall be compelled to accept such service without the consent of his/her parent or guardian. The cost of the insurance or membership may be paid for the funds of the district, by the insured pupil, or his/her parent or guardian. Such insurance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California.

**E.C. 49480 - Continuing Medication Regimen for Pupils, Required Notice to School Employees:** The parent or guardian of any public school pupil on a continuing medication regimen for non episodic condition shall inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervising physician. With consent of the parent or 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 of the pupil's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omissions, or overdose.

**E.C. 51101 – Rights of Parents and Guardians to Information, Mutually Supportive Partnership Between Parents and Educators:** Provides parents and guardians have the right to be informed by the school, and to participate in the education of their children, as follows: to observe classrooms as specified; within a reasonable time of their request to meet with teachers and the principal of the school; to volunteer their time and resources; 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 and the performance of the school on standardized tests; to request a particular school for their child and to receive a response from the district; to have a school environment for their child that is safe and supportive; to examine the curriculum materials of their child's classes; to be informed of their child's progress in

school and of the appropriate staff to contact should a problem arise; to access the school records of their child; to receive information about 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 in accordance with Section 48980, attendance policies, dress codes, and procedures for visiting the school; to receive information about any psychological testing and to deny permission to test; to participate as a member of a parent advisory committee, school-site council, or site-based leadership team; to challenge anything in their child's record and to receive a response from the school; and to be notified as early in the year as practicable if their child is identified as being at risk of retention and their right to consult with school personnel regarding any decision to promote or retain and to appeal a decision to promote or retain.

**E.C. 51101.1 Rights of Parents and Guardians who Lack English Fluency:** Requires district to take all reasonable steps to ensure that all parents and guardians of pupils who speak a language other than English, are properly notified in English and in their home language under EC § 48985 (15 percent rule), of the rights and opportunities available to them. Rights include being given any required written notification, under any applicable law, in English and the pupil's home language under EC § 48985. Encourages schools with substantial number of pupils with a home language other than English to establish parent centers with staff that can communicate with the parents or guardians.

**E.C. 51513, 20USC1232h – Materials Containing Questions About Personal Beliefs or Practices:** Prohibits use of tests, questionnaires, surveys or examinations questioning pupil's personal beliefs or practices in specified areas unless parent notified in writing that such questioning to be administered and parent gives written permission.

**E.C. 51930 et seq. – Short Title**

(a) This chapter shall be known and may be cited as the California Comprehensive Sexual Health And HIV/AIDS Prevention Education Act.

(b) The Purposes of this chapter are as follows:

(1) To provide a pupil with the knowledge and skills necessary to protect his or her sexual and reproductive health from unintended pregnancy and sexually transmitted diseases.

(2) To encourage a pupil to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family.

**E.C. 51938 – Sexual Health and HIV/AIDS Prevention Education, Parent or Guardian Notification**

The purpose of the California Comprehensive Sexual Health and HIV/AIDS Prevention Act (Education Codes 51930 through 51939) is to provide every student with the knowledge and skills necessary to protect their sexual and reproductive health from unintended pregnancy and sexually transmitted diseases. A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessments related to the education.

The Hermosa Beach City School District will provide instruction in comprehensive sexual health education, HIV/AIDS prevention education, and/or will conduct assessments on pupil behaviors and risks in the coming school year.

Parent or guardians may:

1. Inspect the written and audiovisual educational materials used in the comprehensive sexual health and HIV/AIDS prevention education
2. Request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education
3. Request a copy of Education Codes 51930 through 51939
4. Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants
5. When the district chooses to use outside consultants or to hold an assembly with guest speakers to teach comprehensive sexual health or HIV/AIDS prevention, to be informed of:
  - a. The date of the instruction
  - b. The name of the organization or affiliation of each guest speaker

The District may administer to students in grades 7 to 12 anonymous, voluntary, and confidential research and evaluation instruments, including tests and surveys, containing age-appropriate questions about their attitudes or practices relating to sex. Prior to administering such a research and evaluation instrument, parents/guardians shall be provided written notice of the administration. Parents/guardians shall be given an opportunity to review the research instrument and to request in writing that their child not participate.

**E.C. 52164.3 – Designation of Pupil as Limited English Proficient or Fluent English Proficient:** Requires district to reassess pupil whose primary language is other than English when a parent, teacher or school administrator claims that there is reasonable

doubt about the accuracy of the pupil's designation. Further requires parent to be notified of reassessment result, and that notice should be given orally when school staff have reason to believe a written notice will not be understood.

**E.C. 52173 – Consultation with Parents Concerning Bilingual Education:** Requires the school district to provide parents an opportunity for consultation prior to placement of child in program of bilingual education. Requires notification, by mail or in person, to parent to include simple, nontechnical description of purposes, method, and content of program, encourage parent to visit such classes and to come to school for conference to explain the nature and objectives of such an education, and that parent has the right not to have their child enrolled in such a program. Written notice to be in English and the primary language of the pupil.

**E.C. 56301 – Rights of Parents Related to Special Education:** All individuals with disabilities residing in the state, including pupils with disabilities who are enrolled in elementary and secondary schools and private schools, including parochial schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and assessed as required by paragraph (3) and clause (ii) of paragraph (10) of subsection (a) of Section 1412 of Title 20 of the United States Code. Each district, special education local plan area, or county office shall establish written policies and procedures for a continuous child-find system including children with disabilities who are homeless or wards of the state. Policy and procedure to include written notification to all parents of their rights regarding identification, referral, assessment, instructional planning, implementation, review, and procedures for initiating referral for assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs. Parents shall be given a copy of their rights and procedural safeguards upon initial referral for assessment, upon notice of an individualized education program meeting or reassessment, upon filing a complaint, and upon filing for a prehearing mediation conference pursuant to Section 56500.3 or a due process hearing request pursuant to Section 56502.

**E.C. 58501 - Notice of Alternative Schools:** California State Law authorizes all school districts to provide for alternative schools/programs either as a separate school or as a separate class 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/her desire to learn.

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

**E.C. 60800; 5CCR 863 – Physical Performance Test:** Requires governing board of school district to report aggregate results of its physical performance testing in annual school accountability report card.

## EXCERPTS FROM FEDERAL LAW

**HSC 104420, 104495 – Tobacco Free Campus:** Requires district and county office receiving Tobacco Use Prevention (TUPE) funds to adopt and enforce tobacco-free campus policy, to communicate policy to school staff, parents, pupils and community, and to post signs stating “Tobacco Use Prohibited” at all entrances to the school. Under § 104495, smoking or use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground, except on a public sidewalk located within 25 feet of the playground is prohibited.

**HSC 120440 – Disclosure of Immunization Status, Immunization Information Systems:** Provides that, notwithstanding EC §§ 49075 and 49076 (relating to pupil records), schools may disclose information from pupils' medical record to local health departments operating countywide or regional immunization information and reminder systems, and the State Department of Health Services. Authorizes parent to refuse to permit record sharing. Requires district that provides information to an immunization system to inform parent of following: information shared; name and address of State Department of Health Services and immunization registry; information shared will be treated as confidential; right to examine any immunization-related information shared and to correct any errors; right to refuse to allow information to be shared, or to receive immunization reminder notifications at any time. Notification may be provided by ordinary mail and must include reasonable means for refusal, such as return form or contact telephone number.

**HSC 124085, 124100, 124105 & 120475 – Child Health and Disabilities Prevention Program; Health Screening:** Requires notice to parents of kindergarten and first grade pupils of requirement for physical examination for first grade enrollment and availability of free health screening through local health department. Requires up to five days exclusion from school for failure to comply or sign a waiver. HSC §§ 124085, 124100, 124105, and 120475 should be reviewed together. Also see EC §§ 49450 et seq. regarding physical examinations.

**P.C. 290.45, 290.46 – Megan's Law, Release of Sex Offender Information:** Penal Code 290.4 requires the Department of Justice to operate service where members of the public may provide a list of six persons on an approved form and inquire whether any of the persons is required to register as sex offender and is subject to public notification. Under PC 290.46, the Department shall also make information about certain sex offenders available to the public via the Internet.

**P.C. 417.27 – Laser Pointers; Prohibitions on Sale, Possession and Use:** Provides no student shall possess a laser pointer on any elementary or secondary school premise, unless possession is for valid instructional or other school-related purpose. Further prohibits directing the beam of a laser pointer into the eyes of another, or into a moving vehicle, or into the eyes of a guide dog.

**P.C. 627.6 – Visitors to Campus:** Requires district to post at every entrance to each school and school grounds a notice setting forth visitor registration requirements, hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. See, also, EC § 32211.

**P.C. 12550, 12556 – Imitation Firearms:** Adds § 12550 to include BB device within definition of imitation firearm. Adds § 12556 to make it a criminal offense to openly display or expose any imitation firearm in a public place. Changes effective September 20, 2004.

**VC 21212 – Bicycle Helmet Law:** Provides that no person under 18 years of age shall operate, or ride as a passenger, on a bicycle, a non-motorized scooter, or a skateboard unless that person is wearing a properly fitted and fastened bicycle helmet that meets specified standards.

**VC 21113(A) – Vehicles Subject to Search:** Authorizes schools to search all vehicles on school property without cause so long as warnings that such searches may take place are posted and visible.

**California Code of Regulations, Title 5, Section 300 – Duties of Pupils:** Pupils will conform to school regulations; obey all directions; be diligent in study and respectful to teachers and others in authority; and refrain from the use of profane and vulgar language.

**California Code of Regulations, Title 5, Section 4622; E.C. 32289 – Uniform Complaint Procedures:** Requires annual notification to pupils, employees, parents, district advisory committee, school advisory committees and other interested parties of the school district's Uniform Complaint Procedures. The notice is to include identity of person(s) responsible for processing complaints, civil law remedies that may be available, and the appeal or review procedures contained in the following sections of 5 CCR 4650, Basis of Direct State Interventions, Section 4652, Appealing Local Agency Decisions, and 4671, Federal Review Rights. EC 32289, amended in 2004, authorizes filing of Uniform Complaint for noncompliance with school safety planning requirements of Title IV of the NCLB (20 USC § 7114(d)(7)).

**Code of Federal Regulations, Title 40, Section 763.93 -** California state law requires that an annual notification to parent, teacher and employee organizations of the availability of complete, updated management plan for asbestos-containing material in school buildings

**20 USC 6311, 34 CFR 200.61 – Qualifications of Teachers, Parents' Right to Know:** Requires the school district, at the beginning of school year, to notify parents of each student attending a school receiving Title I funds that they may request information regarding professional qualifications of their child's classroom teachers. It further requires timely notification when their child has been assigned, or taught for four or more consecutive weeks, by a teacher of a core academic subject who does not

meet NCLB teacher qualification requirements. The notification is to be in an understandable and uniform format, and to a practical extent, provided in a language that the parents can understand.

**29 USC 794; 34CFR 104.32, 104.3 – Identification and Education Under Section 504:** Section 504 of the Vocational 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 district to identify and evaluate children with disabilities to ensure a free, appropriate public education. Individuals with physical or mental impairment that substantially limits one or more major life activities, including learning, are eligible to receive services and aids designed to meet their needs to same extent needs of nondisabled students are met. District to designate person responsible for implementing requirements of Section 504 and to establish screening and evaluation procedures to use when pupil suspected to have disability that limits ability to attend or function at school. Requires district to notify eligible pupils and their parents of the schools duty under Section 504 and to provide parent notice of procedural safeguards, as specified.

**42 USC 11432 – Homeless Pupils:** Requires district's liaison for homeless pupils to ensure that parents are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children, notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens, and that parents are fully informed of all transportation services.