

## **PARENTAL RIGHTS AND RESPONSIBILITIES**

The Governing Board recognizes that parents/guardians of District students have certain rights as well as responsibilities related to the education of their children. (*Refer to Board Policy and Regulations 5020 in the Attachments section.*)

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code §51100)

The Board believes that the education of the District's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

The District encourages parents/guardians to support the learning environment of their children by monitoring attendance.

The following is a list of the rights you have as a parent or guardian of a child in public school. The rights listed are granted by federal or state laws and regulations. You have a right to review school rules regarding student discipline. If you wish to do so, please contact the school office. (Education Code §§48980, 35291)

### **A. STUDENT ATTENDANCE**

You have the right as a parent:

1. To obtain a copy of the Governing Board's policies and regulations on student discipline. (Education Code §35291)
2. To be informed that you may be required to attend your child's class if he or she is suspended for unruly or disruptive conduct. (Education Code §§48900.1, 48914)
3. To apply for enrollment of your child in a district in which you are employed for at least 10 hours per week; however, the district may have the right to deny the application under certain conditions. (Education Code §48204(b).)
4. Parents and Students Living at Parent's Place of Employment for a Minimum of 3 Days During the School Week. Parents may apply for enrollment of their child in a school district in which the parent is employed, and where the parent and child live at the parent's place of employment for a minimum of 3 days during the school week. (Education Code §48204(a)(7).)
5. Children of Military Service Members - Residency  
A student complies with a school district's residency requirements for school attendance if the student's parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. School districts must accept applications by electronic means for enrollment, including enrollment in a specific school or program within the District, and for course registration. The parent must provide proof of residency in the District within 10 days after the published arrival date provided on official documentation. (Education Code §48204.3)
6. Students in Active Duty Military Families / Residency Retention and Matriculation  
A student living in the household of an active duty military service member must be allowed to continue attending the student's school of origin for the remainder of the school year if the family moves.

A student from an active duty military family who is transitioning between school grade levels must be allowed to continue in the school district of origin and in the same attendance area of his/her school of origin. If the student is transitioning to middle school or high school, and the school designated for matriculation is in another school district, the local educational agency must allow the student to continue to the school designated for matriculation in that school district. The new school must immediately enroll the student, even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended, or if the student is unable to produce clothing or records normally required for enrollment.

If the parent/guardian's military service ends during the school year, then the student is allowed to stay in his/her school of origin for the remainder of the school year if s/he is in grades 1-8, or through graduation if the student is in high school.

7. Residency Retention for the Students of Detained or Deported Parents. Students retain residency in a school district, regardless of the students' current residency, when both of the following requirements are met:
  - a) The student's parent or guardian has departed California against his or her will, and the student can provide official documentation evidencing the departure; and
  - b) The student moved outside of California as a result of his or her parent or guardian leaving the state against his or her will, and the student lived in California immediately before moving outside the state. The student must provide evidence of enrollment in a California public school immediately before moving outside the state.

Deported parents may designate another adult to attend school meetings and to serve as an emergency contact. No charges or fees of any kind, as allowed under Education Code section 48050, may be required for admission or attendance in these circumstances.

This law applies to parents who are: (1) in the custody of a government agency and are transferred to another state; (2) subject to a lawful removal order and who were removed or were permitted to leave California voluntarily before being removed; and (3) subject to any additional circumstances consistent with these purposes, as determined by the school district. (Education Code §48204.4)

8. Residency Retention for Migratory Children. Currently migratory children, who are enrolled in a school district due to a parent's or immediate family member's temporary or seasonal employment in an agricultural or fishing activity, as defined by Education Code section 54441, must be allowed to continue in their schools of origin, regardless of any change of residence during that school year, for the duration of their status as migratory children. When a student's status as a migratory child changes during the school year, the school district must: (1) allow K-8th graders to continue in their schools of origin for the remainder of that school year; and (2) allow 9-12th graders to continue in their schools of origin through graduation.

Migratory children and their parents/guardians must be informed of the impact that remaining in their schools of origin will have on their eligibility to receive migrant education services.

9. Victims of Bullying – Transfer Rights  
School districts must approve the request of a bullying victim, as defined, to transfer to another school within the district. If the requested school is at capacity, the school district must accept a request for an alternate site. If the school district of residence has only one school available, the school district of residence must honor the student's interdistrict transfer request if the school district of proposed enrollment approves the transfer. (Education Code §46600)

9. To request information about enrollment in alternative schools. (See attached Education Code §58501) *Refer to Regulation 5116.1 and Board Policies 5117 and 5117.1 in the Attachments section.*
10. To excuse a child from school to attend religious exercises or classes upon written notice. Such absences may not exceed four days per month. An excused child must nevertheless attend his/her attendance at the minimum level of school days required for his/her grade. (Education Code §46014) *Refer to Board Policy and Regulation 5113 in the Attachments section.*
11. To excuse your child from school for justifiable personal reasons upon written notice and approval by the Principal or designated representative. Personal reasons may include attendance at a religious retreat, not to exceed four hours per semester, and the observance of a religious holiday or ceremony. No child may have his/her grade reduced or lose academic credit for any absence(s) excused pursuant to Education Code section 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Education Code §48205) *Refer to Regulations 5113 and 6154 in the Attachments section.*
12. To receive the District's written policy on sexual harassment as it relates to students. (Education Code §231.5) *Refer to Board Policies 5145.3 and 5145.7 in the Attachments section.*
13. To receive notification of all current statutory attendance options and local attendance options. Parents will receive a written description of all options for meeting residency requirements for school attendance, all programmatic options offered within the local attendance areas, and any special programmatic options available on both an inter-district and intra-district basis. The notice will include a description of the procedure for application for alternative attendance areas or programs, an application form for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. (Education Code §48980(h) and (i).)
14. To receive notification that, notwithstanding Education Code §48200, a pupil with a temporary disability who is in a hospital or other residential health facility, excluding a state hospital, which is located outside of the school district in which the pupil's parent or guardian resides shall be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located, pursuant to Education Code § 48207. Once the parent has notified the District in which the hospital is located of the student's presence in qualifying hospital, the District has five working days to notify the parent if individualized instruction shall be made available. If the determination is positive, individualized instruction shall commence within five days.
15. To be notified of minimum days or staff development days. The following minimum days have been established for the 2021-22 school year (for students only): November 24, 2021, December 17, 2021, April 8, 2022, and May 27, 2022.
16. Attendance and participation in class are essential if the student is to gain the maximum benefit of the educational program. Regular and punctual school attendance of students is expected, encouraged and will be enforced. School attendance is an area which requires mutual cooperation between the schools, the parents and the student so that the whereabouts of each student will be known at all times during the school day. Education Code §48200 requires full time student attendance for all children between ages 6 and 18. The California Education Code and the Welfare and Institutions Code provide that legal action may be taken against a student and/or parent when a student is declared a habitual truant. (Education Code §48260 et seq.).
  - First declaration of a legal truant: A student who is absent without valid excuse on three or more days or tardy in excess of 30 minutes on three or more days in a school year.
  - Second declaration of a legal truant: A student, once reported as a legal truant, who is absent without a valid excuse on one or more days or is tardy on one or more days in a school year.

- Declaration as a habitual truant: A student who has been declared to be a legal truant on three or more occasions in a school year. (Education Code §48262)

When a student is declared a habitual truant, he/she will be referred to the Monterey County District Attorney's Office. (Education Code §48263)

Verification of student absences is accepted only from parents or guardians. Excessive excused absences will also be monitored, as attendance, excused or unexcused, interferes with your child's educational progress. Excused absences exceeding 10% of the school year will be monitored and may require doctor verification of medical difficulty and needs. If your child is going to miss school for a medical reason that exceeds two weeks they may be eligible for home-hospital instruction. Your child may be eligible for home independent study if he/she will be absent for reasons other than illness. It is the parent/guardian's obligation to notify the District of their child's need for individualized instruction in the home, in a hospital or other residential health facility.

## **B. CAMPUS SECURITY**

The Board believes that reasonable use of surveillance cameras will help the District achieve its goals for campus security. In consultation with the safety planning committee and relevant staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. *Refer to Board Policy 3515.*

Audio and video surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities. *Refer to Board Policy and Regulation 5131.1.* The content of any recording may be a student record and may only be accessed in accordance with the district's policy and administrative regulation. Such recordings may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate. *Refer to Board Policy and Regulation 5125.*

## **C. STUDENT DISCIPLINE**

1. Students are expected to respect themselves, respect others, and respect property. Therefore, students should be aware of possible consequences of their behavior. Disciplinary action taken by school officials is a direct consequence of unacceptable behavior by a student. Rules and regulations are established to maintain an atmosphere conducive to learning. Students who fail to comply with these rules and regulations will be counseled, reprimanded, suspended and/or expelled and/or arrested, as the laws are applied and dependent on the situation. All students shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools. (Education Code §48908)
2. The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct. The district may provide students instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent and respond to bullying.
  - a. School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students may be provided with similar information.
  - b. Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes whereby students may submit anonymous reports of bullying.
  - c. When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a

determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

- d. Cyberbullying conducted using district-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed. *Refer to Board Policy and Regulation 5131, Policy 5131.3, and Policy and Regulation 6163.4 in the Attachments section.*
3. Students and parents may report incidents of misconduct, bullying and sexual harassment by submitting to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying or any disrespectful behavior. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures. The Superintendent or designee shall work with the student and family to determine whether it is in the best interest of the student to maintain anonymity during the investigation. *Refer to Board Policy and Regulation 5131 in the Attachments section.*
4. Districts may regulate the possession or use of any cell phones, pagers or electronic signaling device while pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees (Education Code §48901.5). *Refer to Board Policy 5146.*
5. The Pacific Grove Unified School District is committed to maintaining an orderly, purposeful and safe school environment free from weapons, drugs, tobacco, vandalism, and the threat of physical harm. We will take immediate action against students who threaten physical harm to anyone through the possession of, use of, or threatened use of weapons. Students will be immediately reported to law enforcement and suspended or expelled, in compliance with Board Policy and the law. Similar disciplinary steps will be taken in cases involving the sale of controlled substances at school, on the way to and from school, while going to or coming from a school sponsored activity, while at any school sponsored event and during lunch whether on or off school grounds. Such unlawful behavior will be reported to the police, followed by suspension and a recommendation for expulsion, as required by Board Policy and California law. *Refer to Board Policies 3513.3 and 5144.1 in the Attachments section.*
6. 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 committed an act as defined pursuant to one or more of the following subdivisions:
  - a. Caused, attempted to cause, or threatened to cause physical injury to another person; or 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 such 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 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.
  - d. Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with §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, e-cigarettes, vaping devices and betel. However, this action 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 any drug paraphernalia, as defined in §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 §261, 266c, 286, 287, 288, or 289, or former section 288a of, the Penal Code or committed a sexual battery as defined in §243.3 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. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing as defined in Education Code §48900(q).
- r. Engaged in an act of bullying as defined in Education Code §48900(r).
- s. 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 which are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
  - 1) while on school grounds.
  - 2) while going to or coming from school.
  - 3) during the lunch period whether on or off the campus.
  - 4) during, or while going to or coming from a school sponsored activity.
- t. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion,

pursuant to the provisions of this section. Except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

- u. As used in this section, “school property” includes, but is not limited to, electronic files and databases.
- v. A Superintendent 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 specific 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 any 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 Supports, 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.

7. Mandatory Suspension

The Principal or Superintendent of Schools shall immediately suspend, pursuant to §48911, and 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:

- a. Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior or 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 firearm only if the possession is verified by an employee of a school district.
- b. Brandishing a knife at another person.
- c. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with §11053) of Division 10 of the Health and Safety Code.
- d. Committing or attempting to commit a sexual assault as defined in subdivision (n) of § 48900 or committing a sexual battery as defined in subdivision (n) of §48900.
- e. Possession of an explosive.

8. Mandatory Expulsion

Education Code §48915(a): Except as provided in subdivisions (c) and (e), the Principal or the Superintendent of Schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the Principal or Superintendent finds that the expulsion is inappropriate, due to the particular circumstance or that an alternative means of correction would address the conduct:

- a. Causing serious physical injury to another person except in self-defense.
- b. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.

- c. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with §11053) of Division 10 of the Healthy and Safety Code, except for: (1) the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis; or (2) the possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed by a physician for the pupil.
  - d. Robbery or extortion.
  - e. Assault or battery, as defined in §240 and 242 of the Penal Code, upon any school employee. (Education Code §48915(a).)
9. If a school official releases your child from school to a peace officer for the purpose of removing him/her from the school premises, the school official shall take immediate steps to notify you or a responsible relative of your child, except when a student has been taken into custody as a victim of suspected child abuse. In those cases, the peace officer will notify the parent or guardian. (Education Code §48906)
  10. Parents or guardians are liable for all the damages caused by the willful misconduct of their minor children which result in death or injury to other students, school personnel, or damage to school property. Parents are also liable for any school property loaned to the student and willfully not returned. Parents' or guardians' liability may be as much as \$21,200 in damages and another maximum of \$20,900 for payment of a reward, if any. (Education Code §48904) The School District may withhold the grades, diplomas, or transcripts of the student responsible until such damages are paid or the property returned or until completion of a voluntary work program in lieu of payment of money. Education Code §48904, Civil Code § 1714.1) If your child commits an obscene act or engages in habitual profanity or vulgarity, disrupts school activities, or otherwise willfully defies the authority of school personnel, and is suspended for such misconduct, you may be required to attend a portion of a school day in your child's classroom. (Education Code §48900.1)
  11. Possession of a laser pointer by any student is prohibited on any elementary or secondary school premise, unless possession is for valid instruction. The beam of a laser pointer is prohibited from being directed into the eyes of another or into a moving vehicle or into the eyes of a guide dog. (Penal Code 417.27)
  12. The school Principal or designee may search the person of a student, the student's locker, backpack or purse if there is a reasonable suspicion to believe the student may have a concealed weapon, explosives, alcohol, narcotics, stolen property, or contraband. (U.S. Supreme Court Case: New Jersey v. T.L.O. (1985) 469 U.S. 325)
  13. The District may use surveillance footage, if applicable, in connection with student discipline and in accordance with District policy.

#### **D. STUDENT HEALTH**

You have the right as a parent:

1. To be informed that school authorities will notify students in grades 7 to 12 that they may be excused from school for the purpose of obtaining confidential medical services without your consent. (Education Code §46010.1)
2. To be informed that your child must be immunized against certain diseases before being admitted to school, unless exempted for medical or religious reasons. However, where there is a good reason to believe that your child is suffering from a recognized contagious or infectious disease, your child will be sent home and will not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist. (Education Code §§49451 and 48216)

**Religious and Personal Beliefs Exemptions:** January 1, 2016 was the deadline for parents to exempt their children from required immunizations based on their religious or personal beliefs. Students who had a



signed waiver based on religious or personal beliefs on file by January 1, 2016, are exempt from the immunization requirement until they complete the “grade span” they were in as of January 1, 2016. Grade spans are defined as: (1) birth through preschool, (2) Kindergarten through 6th grade, and (3) 7th through 12th grade. Students who entered the District for the first time, or who advanced to 7th grade, after July 1, 2016 are no longer be exempt from immunizations based on religious or personal beliefs.

**Medical Exemptions:** Students who have a medical exemption issued before December 31, 2020 will be allowed continued enrollment until they enroll in the next grade span. As of January 1, 2021, the District will only accept medical exemptions that are submitted on the California Department of Public Health’s standardized, statewide medical exemption certification form. (Health and Safety Code §§120370(a)(2) and 120372(a).)

3. To consent to the immunization of your child whenever the immunization of children is permitted at the District. (Education Code §49403)
4. To request assistance in administering medication to your child during school hours. Such assistance requires your written authorization and that of a physician, surgeon or physician assistant detailing the method, amount and time schedules for taking the medication. (Education Code §49423)
5. Auto-Injectable Epinephrine / Inhaled Asthma Medication. You may provide a written statement to the school district allowing your child to carry and self-administer auto-injectable epinephrine and/or inhaled asthma medication. A physician or surgeon's statement confirming that your child is able to self-administer the medication and detailing the name of the medication, the method, amount and time schedules for administration must also accompany the request. In the case of auto-injectable epinephrine, a physician’s assistant may also provide this written statement. The parent, foster-parent or guardian must also: (1) consent in writing to the self-administration, (2) provide a release for the school nurse or other designated school personnel allowing them to consult with the student's physician and (3) agree to release the district and school personnel from civil liability in the event of an adverse reaction to the medication. These written statements must be provided to the school at least annually or more frequently if the medication, dosage, frequency of, or reason for, the administration changes. Students may be subject to disciplinary action pursuant to Education Code section 48900 for using auto-injectable epinephrine or inhaled asthma medication in a non-prescribed manner. (Education Code §§48980, 49414, 49423, and 49423.1.)
6. To exempt your child from any physical examination upon your written notification. However, where there is a good reason to believe that your child is suffering from a recognized contagious or infectious disease, your child will be sent home and will not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist. (Education Code §49451)
7. To purchase insurance for medical and hospital services for your child’s injuries while participating in athletic activities since the District does not provide such medical and hospital services. (Education Code §49472)
8. To be informed of your obligation to notify appropriate school personnel (e.g., school nurse or designated employee) of your child’s continuing medication regimen for a non-episodic condition. With your consent, the school nurse may communicate with your child’s physician and may counsel 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. (Education Code §49480)
9. To obtain information and apply for participation in the Free and Reduced Lunch Program offered by the District to provide nutritional meals to needy pupils. (Education Code §49510 et seq.)
10. **Child Nutrition Program Complaints:** Complaints related to Child Nutrition Programs established pursuant to the National School Lunch Program, Summer Food Service Program, Child and Adult Care Food Program, Special Milk Program, School Breakfast Program, and Food Distribution Program are no

longer processed through the District's Uniform Complaint Procedures. Instead, complaints must be processed through the existing procedures outlined in federal regulations and new, related state regulations. A complaint must be submitted within one year of the date of the alleged violation, and may be filed by phone, e-mail, or letter. Please see California Code of Regulations, title 5, sections 15580 – 15584 for more information. (5 CCR §§15580 - 15584)

11. To be notified in accordance with the requirements of the Healthy Schools Act of 2000 of all pesticides the District expects to apply during the year.
11. State law requires that for each child enrolling in the first grade, the parent must present a certificate, signed by a physician, verifying that the child has received a physical examination within the last 18 months. If your child does not receive this exam, you must file with the School District a waiver stating the reasons you are unable to obtain such services. You must understand that your child may be sent home if you fail to provide the certificate or waiver, or if your child is suspected to be suffering from a contagious disease. You may find it convenient to have your child immunized at the same time that the physical examination is conducted.
12. All students must have an oral assessment by May 31<sup>st</sup> of their kindergarten or first grade year, whichever is his or her first year of public school. The assessment must be performed by a licensed dentist or other licensed or registered dental health professional. Parents may request a waiver in writing.
13. Anything to the contrary withstanding, the Governing Board of our school district will 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 any funds, property and personnel of the District, and may permit a licensed physician and surgeon to administer an immunizing agent to any student whose parents have given written consent to the administration of such an immunizing agent. (Education Code §49403)
14. Between grades 6 and 8, your child may be screened for scoliosis (curvature of the spine), unless you submit a written denial of consent. (Education Code §49452.5)
15. Your child's vision will be checked by an authorized person between grades Kindergarten through 8, unless you present to the school a certificate from a physician or optometrist verifying prior testing or a letter stating it violates your faith in a recognized religious belief. (Education Code §§49455 and 49422)
16. The School District is required to provide for the testing of the sight and hearing of each student enrolled unless you submit a written denial of consent. (Education Code §49452)
17. Please see the attached memo from Director of Facilities and Transportation, Matt Kelly, regarding the annual Pest Control Procedure and Notification. Please contact the Director Kelly at (831) 646-6537 if you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school. Prior to the application of any pesticide, the District will post a warning sign at the area to be treated at least 24 hours prior to the pesticide application and such sign will remain posted for at least 72 hours after the application. In the event of an emergency condition, advance notification and prior sign posting may not be feasible, but a warning sign will be posted immediately upon application of the pesticide. For additional information regarding pesticides and pesticide use, please visit the web site for the State of California's Department of Pesticide Regulation at <http://www.cdpr.ca.gov>. (Education Code §§48980.3 and 17612)
18. Student mental health services are available through the Pacific Grove Unified School District by contacting:  
Clare Davies, Director of Student Services, 435 Hillcrest Avenue, Pacific Grove, CA 93950  
(831) 646-6523

**E. STUDENT RECORDS**

You have the right as a parent:

1. To be notified of the District's policies concerning student records maintained by the District. (Education Code §49063; 34 CFR Part 99.7) *Refer to Board Policy 5125 in the Attachments section.*
2. To know that your child's right to privacy prohibits the release of confidential information in your child's records to individuals other than yourself, your child (if 16 or older or having completed the 10<sup>th</sup> grade), or certain authorized individuals without a court order or parental consent. (Education Code §49060 et seq.)
3. The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- a. The right to inspect and review the student's education records within 45 days of the day the school receives a request for access.

Parents or eligible students should submit to the school Principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- b. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school Principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. 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.

- c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- d. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. Contact:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
1-800-872-5327

To prohibit the release of directory information on your child when you notify the District in writing not to release such information on your child by using the appropriate PGUSD Directory Information Opt-Out Form. The District has two opt-out forms: one specific to high school students; and one for elementary and middle school students, available on the District website at [pgusd.org](http://pgusd.org). The Directory Information Opt-Out Forms will also be included in the online registration packet. Otherwise, the District may release directory information as to any pupil or former pupil, provided that annual notice is given of the categories of information to be released and of the recipients of said information. Directory information includes one or more of the following items: student's name; address; date of birth; major field of study; participation in officially recognized activities and sports; the weight and height of members of athletic teams; dates of attendance degrees and awards received; and most recent previous public or private school attended by the student. Directory information released to PTA's, PG Pride, Breakers Club, law enforcement agencies, military recruiters and institutions of higher education may include a student's name, address and phone number. Parents may request in writing that directory information not be released. To request the District withhold directory information, parents must complete the PGUSD Directory Information Opt-Out Form, and turn it into your child's school office within 10 days of registering for school. (2001 No Child Left Behind Act §9528(a)(2); 34 CFR §99.37(a)(3), Education Code §§49063 and 49073)

Homeless Students / Release of Directory Information. Written consent of the parent or that of the student, if accorded parental rights, must be obtained before directory information pertaining to a homeless student may be released. (Education Code §49073(c) and 20 USC §1232g)

Transfer of Suspension and Expulsion Disciplinary Records. The District will forward student records, including suspension and/or expulsion disciplinary records, to other schools that have requested the records and in which the student seeks or intends to enroll. (FERPA, 34 CFR Parts 99.7 and 99.34(a)(ii).)

## **F. STUDENT INSTRUCTION**

You have the right as a parent:

1. To substantiate your child's moral objection to dissecting, destroying or otherwise harming animals as part of an education project. Teachers of courses utilizing dead animals or animal parts will inform students of their right to object to participate in a particular project involving the harmful or destructive use of animals.

Your written note attesting to your child's objection may, at the teacher's option, entitle your child to participate in an alternative education project or to be excused from the project altogether. (Education Code §32255, et seq.)

2. To have your child with a temporary disability receive individual instruction if attendance at school is impossible or inadvisable. Individual instruction may be provided at your child's home, in a hospital or other residential health facility.

"Temporary disability" means a physical, mental or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program to which the student can reasonably be expected to return. "Temporary disability" does not include a disability that would qualify a student as a "student with exceptional needs" under Education Code section 56026.

Individual instruction in a hospital, residential health facility, or in a student's home must commence no later than five working days after a school district determines that the student shall receive this instruction.

When a student receiving individual instruction is well enough to return to school, s/he must be allowed to return to the school that s/he attended immediately before receiving individual instruction, if the student returns during the school year in which the individual instruction was initiated.

Students enrolled in individual instruction in a hospital or other residential health facility for a partial week, are entitled to attend school in his/her school district of residence, or to receive individual instruction

provided by the school district of residence in the student's home, on days in which he or she is not receiving individual instruction in a hospital or other residential health facility, if s/he is well enough to do so.

Absences from the student's regular school program due to the student's temporary disability are excused until the student is able to return to the regular school program. (Education Code §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48240 (c) and 48980(b).)

3. To be informed of District programs for students with special needs, including your right to have your child placed in an "appropriate" program, and to be consulted about the assessment and placement of your child. Students with exceptional needs have a right to a free appropriate public education. (Education Code §56000 et seq.)
4. To excuse your child from taking part in training in health, family life education, and sex education instruction which conflicts with your religious training, beliefs, and moral convictions or those of your child. (Education Code §51240)
5. To be informed, in writing, of sex education classes offered by the District and of your opportunity to inspect and review all instructional materials to be used in such classes. You may request, in writing, if you do not want your child to attend these classes. Your request will be valid for a school year but may be withdrawn by you at any time. This notice does not apply to human reproductive organs, which may appear in physiology, biology, zoology, general science, personal hygiene, or health textbooks, adopted pursuant to law. (Education Code §§51930 et seq. and 48980)
6. To be informed, in writing, of AIDS prevention instruction offered by the District for students in grades 7 through 12. You have a right to be notified of the purpose of the AIDS prevention instruction and that you may request, in writing, that your child not receive such instruction.

You have the right to request a copy of Education Code sections 51930-51939, which relates to sexual health and AIDS prevention instruction. (Education Code §51930 et seq.)

You also have the right to request, in writing, to view material that will be used and are available for inspection prior to the start of classes. You have a right to request, in writing, that your child not attend these classes. You may withdraw this request at any time.

School districts must ensure that all pupils receive sexual health instruction from adequately trained personnel in appropriate courses. In this District, staff are used. This instruction will emphasize that sexual abstinence and abstinence from intravenous drug use as the most effective means for AIDS prevention and avoiding sexually transmitted diseases. The instruction will also include development of refusal skills to assist pupils to overcome peer pressure and use effective decision-making skills to avoid high-risk activities. During this class, students in grades 7-12 may be asked to anonymously, voluntarily, and confidentially fill out evaluation and research tools such as surveys, tests, questionnaires measuring student attitudes toward health, sex, and risk behaviors. Parents are hereby notified that they have the opportunity to review the material and can request in writing that their child not participate. Copies of this Education Code §51938 can be requested from your school or district office or can be obtained online at [www.eginfo.ca.gov](http://www.eginfo.ca.gov) (Education Code §51938).

7. Personal Beliefs / Political Affiliations / Behavior / Close Family Relationships  
No test, questionnaire, survey, or examination which has questions about your or your child's: beliefs and practices in sex, family life, morality, religion, political affiliations or beliefs, illegal, anti-social, self-incriminating, or demeaning behavior, mental or psychological problems, legally recognized privileged relationships (such as lawyer, physician, or minister), critical appraisals of individuals with whom you have close family relationships, or income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) shall be administered without prior notification and written permission of the parent or guardian. Parents may inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material to be used in

connection with any survey, analysis or evaluation. (Education Code §§51513 and 60614 and 20 USC 1232h(a) and (b).)

8. To have a conference scheduled when a teacher has determined and informed you that your child is in danger of failing a course. (Education Code §49067)
9. You may request a meeting to review instructional materials and discuss the curriculum of your child's courses.
10. California Assessment of Student Performance and Progress (CAASPP) Exemption. Each year, parents and guardians will be notified regarding their student's participation in the CAASPP assessment system. Parents and guardians wanting to excuse their children from any or all parts of the CAASPP must submit a written request. Such written requests must be submitted to the school on an annual basis. If you have any questions, please contact your appropriate site Principal.
11. To be informed of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Education Code section §52242. (Education Code §488980(k).)
12. A provision of Federal law requires all districts to notify parents of all children in Title I schools that they have the right to request and receive timely information on the professional qualifications of their children's classroom teachers and paraprofessionals. (20 USC §6312, Sec. 1112(e).)
13. The Board of Education has adopted student standards of proficiency as required by law in basic skills. Skills shall include, but are not limited to, reading comprehension, writing, computational skills, and other areas that the Board deems appropriate. The Superintendent shall ensure that they are articulated across the grade levels. (Board Policy 6146.5)
14. The District is committed to providing a tobacco-free environment. In accordance with state and federal law, smoking is prohibited in all District facilities and vehicles. In accordance with Board policy, the use of tobacco products is prohibited at all times on District grounds.
15. Career Counseling and Course Selection Parents/guardians will be notified, at least once, in advance of career counseling and course selection commencing with 7th grade course selection so that they may participate in the counseling sessions and decisions. (Education Code §221.5(d).)
16. Pregnant and Parenting Student Rights  
Rights Under Education Code Section 221.51  
Local educational agencies (including school districts, charter schools and county offices of education):
  - (a) Shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.
  - (b) Shall not exclude nor deny any student from any educational program or activity, including class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
  - (c) May require any student to obtain the certification of a physician or nurse practitioner that the student is physically and emotionally able to continue participation in the regular education program or activity.
  - (d) Pregnant or parenting students shall not be required to participate in pregnant minor programs or alternative education programs. Pregnant or parenting students who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.
  - (e) Shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.

Rights Under Education Code Section 46015

(a)(1) pregnant or parenting students are entitled to eight weeks of parental leave, which the student may take before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. The student, if the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the right to make educational decisions for the student, shall notify the school of the student's intent to exercise this right. Failure to notify the school shall not reduce these rights.

(2) A pregnant or parenting student who does not wish to take all or part of the parental leave to which s/he is entitled shall not be required to do so.

(3) A pregnant or parenting student is entitled to receive more than eight weeks of parental leave if deemed medically necessary by the student's physician.

(4) When a student takes parental leave, the supervisor of attendance shall ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program or an alternative education program.

(5) During parental leave, a local educational agency shall not require a pregnant or parenting student to complete academic work or other school requirements.

(6) A pregnant or parenting student may return to the school and the course of study in which he or she was enrolled before taking parental leave.

(7) Upon return to school after taking parental leave, a pregnant or parenting student is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.

(8) Notwithstanding any other law, a pregnant or parenting student may remain enrolled for a fifth year of instruction in the school in which the student was previously enrolled when it is necessary in order for the student to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the student is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.

(9) A student who chooses not to return to the school in which he or she was enrolled before taking parental leave is entitled to alternative education options offered by the local educational agency.

(10) A pregnant or parenting student who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.

(11) A student shall not incur an academic penalty as a result of his or her use of these accommodations.

Non-Compliance Complaints

A complaint of noncompliance with these requirements may be filed under the District's Uniform Complaint Procedures.

**G. CALIFORNIA HEALTHY KIDS SURVEY NOTIFICATION AND WITHDRAWAL FORM FOR THE CURRENT SCHOOL YEAR**

Each year, students at the 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> grades participate in The Healthy Kids Survey sponsored by the California Department of Education. This is a very important survey that will help promote better health among

our youth and combat problems such as drug abuse and violence. The survey gathers information on behaviors such as environmental and individual strengths and assets, alcohol, tobacco, other drug use, bullying and violence. You may examine the questionnaire in the school office or at the WestEd website at <https://www.wested.org/project/california-healthy-kids-survey-chks/>. Your child does not have to take the survey. Students who participate only have to answer the questions they want to answer, and they may stop taking it at any time. No names will be recorded or attached to the survey forms or data. The results will be made available for analysis only under strict confidentiality controls. The survey will be administered in November/December. It will take about one class period to complete (about 50 minutes) and will be administered in your child's P.E. class.

The survey was developed by WestEd, a public, non-profit educational institution. If you have any questions about this survey, or about your rights, call the curriculum office at 831-646-6526.

*If you do not want your child to complete the survey, you must notify Ani Silva, Curriculum Director at the District Office by letter, email ([asilva@pgusd.org](mailto:asilva@pgusd.org)) or telephone (831-646-6526).*

## **H. MISCELLANEOUS:**

### **1. Anti-Discrimination (Federal)**

Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 prohibit discrimination on the basis of race, color, national origin, or sex (sex discrimination includes sexual harassment and discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from pregnancy or childbirth-related conditions), marital, parental or family status in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. *Refer to Board Policy 4100 in the Attachments section.*

You have certain rights under the law, including Title VI of the Civil Rights Act of 1974, Title IX of the Education Amendments of 1972, §504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA, formerly known as EHA). A handicap or limited English language skills will not be a barrier to District programs. The California Department of Education and the Office for Civil Rights of the U.S. Department of Education have authority to enforce these laws and all programs and activities that receive federal funds (Education Code 260, et seq., above cited federal statutes).

Any questions or concerns concerning noncompliance can be directed to your school Principal. The District's Title IX Coordinator is Billie Mankey, Director II, Human Resources [bmankey@pgusd.org](mailto:bmankey@pgusd.org), 831.646.6507. (34 CFR §§100.6, 106.9)

### **2. Anti-Discrimination (State)**

Discrimination, harassment, intimidation and bullying are prohibited in any program which receives state financial assistance on the basis of gender (which includes sex and a person's gender identity, gender expression and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), sex (sex discrimination includes sexual harassment and discrimination against a student based on pregnancy, child birth, false pregnancy, termination of pregnancy or recovery from pregnancy or childbirth-related conditions, or denial of lactation accommodations for lactating students), parental, family or marital status, age, race (includes ancestry, color, ethnicity, ethnic group identification, and ethnic background), national origin, nationality, immigration status, religion (includes all aspects of religious belief, observance and practice and includes agnosticism and atheism), mental or physical disability, genetic information, sexual orientation (includes heterosexuality, homosexuality, and bisexuality), or because a person is perceived to have one or more of the above characteristics or because a person associates with a person or group with one or more of these actual or perceived characteristics. Complaints may be filed with the Superintendent under the District's Uniform Complaint Procedure (attached).



### **3. Access to Programs, Activities, and Facilities Based on Gender Identity.**

Pursuant to state law, students may access sex-segregated programs, activities, and facilities, including locker room and restroom facilities, consistent with their gender identity. Any student may request the use of private or unisex restroom facilities for increased privacy. The District endeavors to protect the privacy of all students. (Education Code §221.5(f).)

### **4. Families in Transition/Homeless**

Local educational agencies (LEA) provide the parents or guardians of homeless children and youth with opportunities to participate in the education of their children. (42 USC 11432[g][6][A][iv])

Homeless children and youth have equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youth. If you have uncertain housing, a temporary address, or no permanent physical address, federal and California laws guarantee that your children may be enrolled in their previous school. If this describes your family's living situations, or if you are a student not living with a parent or guardian, please contact Director of Student Services Clare Davies at [cdavies@pgusd.org](mailto:cdavies@pgusd.org) or (831) 646-6523.

### **Immigration Enforcement- "Know Your Rights"**

All students have the right to a free public education, regardless of immigration status or religious belief. For more information, please see the resources developed by the California Attorney General at <https://www.oag.ca.gov/immigrant/rights> (Education Code §234.7)

### **5. Rehabilitation Act and ADA Act**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified disabled persons in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. Please contact the District Program Coordinator with any questions. (34 CFR §104.8, 28 CFR §35.106 and 34 CFR §100.3)

### **6. Uniform Complaint Procedures**

It is the district's goal to resolve most parent/guardians concerns or complaints informally and/or at the level closest to the concern/complaint as possible with the assistance of the school site administrators. If this is not possible, or if parents/guardians wish to file a written complaint about a district policy, regulation, an employee, or unlawful discrimination, or alleged violations of federal or state laws/regulations; parents/guardians may initiate the formal complaint process.

Title 5 of the California Code of Regulations requires districts to adopt and provide Uniform Complaint Procedures to assist you with the procedure for and processing of complaints, the appeal and review procedures for complaints, and of available remedies at law. *Refer to Board Policy and Exhibit 1312.3 and Regulation and Exhibit 1312.4 in the Attachments section.*

The Governing Board designates the following compliance officer to receive and investigate all complaints and ensure District compliance with law:

Billie Mankey  
Director II, Human Resources  
435 Hillcrest Avenue  
Pacific Grove, CA 93950  
[bmankey@pgusd.org](mailto:bmankey@pgusd.org) / (831) 646-6507

### **Procedures for Filing Complaints**

- a. Complaint forms are specific to the type of complaint (i.e., employee, program, discrimination, Williams, Uniform, etc.) The forms are available at any school site, the District office, the District website and in this handbook.
- b. The process begins by completing a complaint form and returning it to the site administrator, department head, the District Compliance Officer or the Superintendent. Complaints concerning unlawful discrimination must be initiated no later than six (6) months from the date when the alleged discrimination occurred.
- c. The complaint process is handled in a confidential manner. Retaliation for a filing complaint is prohibited by law.

Contact the school Principal, Director of Human Resources or Superintendent's office for more information or to request an additional copy of these procedures. (Title 5 California Code Regulations §§4622, 4652, and 4671)

### **7. State Preschool Health and Safety Issues Complaints**

The District operates a State preschool program, which is located at 1004 David Avenue in Pacific Grove. Complaints regarding state preschool health and safety issues are processed under the District's Regulation and Exhibit #1312.4 (see attached). Complaints must be filed with the preschool program administrator, or his/her designee, and may be filed anonymously. (Education Code section 8235.5 and 5 CCR §§ 4690 – 4694)

### **8. School Accountability Report Card (SARC)**

The SARC is available upon request, and is also on the District's website at [www.pgusd.org](http://www.pgusd.org). It contains information about the District and schools regarding the quality of programs and its progress toward achieving stated goals. A copy will be provided upon request. (Education Code §§33126, 32286, 35256, and 35258)

### **8. Management Plan for Asbestos**

You may request to review the complete updated management plan for asbestos containing material in school buildings. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities that are planned or that are in progress. (40 CFR §§763.84(c) and 763.93)

### **9. Technology/Internet Use**

Computers and the internet provide teachers and students with access to global information that greatly enhances their classroom experiences. To avoid the misuse of technology and related communication services, students will receive age-appropriate instruction about the obligations and responsibilities inherent with having access to technology and related communication services.

Students, as district technology users, shall sign the District's Technology User Agreement and any associated Technology User Contracts, indicating that they understand and agree to abide by all obligations and responsibilities. *Refer to Policy and Regulations 6163.4 in the Attachments section.*

### **10. School District Committees**

Parents and community members are invited to apply for membership on any committee that is called to service by the Pacific Grove Unified School District. The purpose of District committees is to advise the school and/or Board of Education regarding school problems, needs and issues. Committees function to

serve in an advisory capacity to the Board of Education. For further information please contact the Superintendent's Office, (831) 646-6510.

## **11. Pest Control Procedure and Notification**

To enhance the environmental safety of students and staff, the District has adopted an integrated pest control procedure and notification process.

Therefore, in determining when to control pests and whether to use mechanical, physical, chemical, cultural or biological means, the District shall follow the principles of integrated pest management. Procedures shall include the following:

- a. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. The full range of alternatives, including no action, will be considered.
- b. Selected non-chemical pest management methods will be used whenever possible to provide the desired control. Cost of staffing considerations alone will not be adequate justification for use of chemical control agents.
- c. The pest and the site of infestation shall be carefully identified. Strategies for managing the pest will be influenced by the pest species and whether that species poses a threat to people, property or the environment.
- d. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with law.
- e. Staff, student and parents/guardians shall receive information about the district's integrated pest procedures and notification of any upcoming pesticide treatments. Notice of upcoming pesticide treatments shall also be posted in areas designated by the Superintendent or designee.
- f. The following records shall be maintained at each school site:
  - 1) Records of pesticide use at the site.
  - 2) Pest surveillance data sheets that record the number of pests or other indicators of pest populations that verify the need for treatments.
- g. Pesticide purchases shall be limited to amounts authorized by the Superintendent or designee for use during the year. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff; they shall be stored and disposed of in accordance with EPA-registered label directions and state regulations.
- h. Persons applying pesticides shall follow label precautions and shall be trained in the principles and practices of integrated pest management.

Further information regarding our District schools, programs, policies and procedures is available to any interested person upon request to our District Office and at the District's website [pgusd.org](http://pgusd.org) (34 CFR Section 99.7(b).)

## **I. SPECIAL EDUCATION RIGHTS OF PARENTS AND CHILDREN**

### **Notice of Procedural Safeguards**

**Revised October 2016**

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a [glossary](#) on the last page of this notification.

#### **What is the Notice of Procedural Safeguards?**

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:

1. When you ask for a copy
2. The first time your child is referred for a special education assessment
3. Each time you are given an assessment plan to evaluate your child
4. Upon receipt of the first state or due process complaint in a school year, and
5. When the decision is made to make a removal that constitutes a change of placement

(20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1])

#### **What is the Individuals with Disabilities Education Act (IDEA)?**

IDEA is a federal law that requires school districts to provide a "free appropriate public education" (in English, referred to as FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (in English, known as IEP) and under public supervision to your child at no cost to you.

#### **May I participate in decisions about my child's education?**

You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 USC 1414[d] [1]B-[d][1][D]; 34 CFR 300.321; EC 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC 1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1], and 56506)

**Where can I get more help?**

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

You may also want to contact one of the California parent organizations (Family Empowerment Centers and Parent Training Institutes), which were developed to increase collaboration between parents and educators to improve the educational system. Contact information for these organizations is found on the CDE special education [California Parent Organizations Web page](#).

Additional resources are listed at the end of this document to help you understand the procedural safeguards.

**What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?**

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education (CDE), [State Special Schools Web page](#), or ask for more information from the members of your child's IEP team.

**Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records****Prior Written Notice****When is a notice needed?**

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 USC 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 CFR 300.503; EC 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 CFR 300.304; EC 56321)

**What will the notice tell me?**

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part

6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused.

(20 USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 CFR 300.503)

## **Parental Consent**

### **When is my approval required for assessment?**

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

### **When is my approval required for services?**

You must give informed, written consent before your school district can provide your child with special education and related services.

### **What are the procedures when a parent does not provide consent?**

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 USC 1414[a][1][D] and 1414[c]; 34 CFR 300.300; EC 56506[e], 56321[c] and [d], and 56346).

### **When may I revoke consent?**

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 CFR Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 CFR (including the mediation procedures under 34 CFR Section 300.506 or the due process procedures under 34 CFR Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services

4. Is not required to convene an IEP team meeting or develop an IEP under 34 CFR Sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 CFR Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

### **Surrogate Parent Appointment**

#### **What if a parent cannot be identified or located?**

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 USC 1415[b][2] ; 34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6)

### **Nondiscriminatory Assessment**

#### **How is my child assessed for special education services?**

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC 1414[b][1]-[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[j] and 56320)

### **Independent Educational Assessments**

#### **May my child be tested independently at the district's expense?**

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; EC 56329[b] and [c])

## **Access to Educational Records**

### **May I examine my child's educational records?**

You have a right to inspect and review all of your child's education records, without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) business days after the request has been made orally or in writing. (EC 49060, 56043[n], 56501[b][3], and 56504)

## **How Disputes Are Resolved**

### **Due Process Hearing**

#### **When is a due process hearing available?**

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 USC 1415[b][6]; 34 CFR 300.507; EC 56501 and 56505[1])

### **Mediation and Alternative Dispute Resolution**

#### **May I request mediation or an alternative way to resolve the dispute?**

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

#### **What is a pre-hearing mediation conference?**

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a non-adversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably



convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (EC 56500.3 and 56503)

## **Due Process Rights**

### **What are my due process rights?**

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 USC 1415[f][1][A], 1415[f][3][A]-[D]; 34 CFR 300.511; EC 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (EC 56505 [e][1])
3. Present evidence, written arguments, and oral arguments (EC 56505[e][2])
4. Confront, cross-examine, and require witnesses to be present (EC 56505[e][3])
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (EC 56505[e][4])
6. Have your child present at the hearing (EC 56501[c][1])
7. Have the hearing be open or closed to the public (EC 56501[c][2])
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing (EC 56505[e][7] and 56043[v])
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (EC 56505[e][6])
10. Have an interpreter provided (CCR 3082[d])
11. Request an extension of the hearing timeline (EC 56505[f][3])
12. Have a mediation conference at any point during the due process hearing (EC 56501[b] [2]), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (EC 56507[a]). (20 USC 1415[e]; 34 CFR 300.506, 300.508, 300.512 and 300.515)

### **Filing a Written Due Process Complaint How do I request a due process hearing?**

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and

5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[b][7], 1415[c][2]; 34 CFR 300.508; EC 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC 1415[f][1][B]; 34 CFR 300.510)

#### **What does a resolution session include?**

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

#### **Does my child's placement change during the proceedings?**

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; EC 56505[d])

#### **May the decision be appealed?**

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[i]; 34 CFR 300.516; EC 56505[h] and [k], EC 56043[w])

#### **Who pays for my attorneys' fees?**

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability, if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

**To obtain more information or to file for mediation or a due process hearing, contact:**

Office of Administrative Hearings  
Attention: Special Education Division  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95833-4231  
916-263-0880  
FAX 916-263-0890

**School Discipline and Placement Procedures for Students with Disabilities**

**School Discipline and Alternative Interim Educational Settings**

**May my child be suspended or expelled?**

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
- Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

**What occurs after a removal of more than ten (10) days?**

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

As a parent, you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

**What happens if the IEP team determines that the misconduct is not caused by the disability?**

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC 1415[k][1] and [7]; 34 CFR 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting, the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR 300.530; EC 48915.5[b])

### **Children Attending Private School**

#### **May students who are parentally placed in private schools participate in publicly funded special education programs?**

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC 1415[a][10][A]; 34 CFR 300.137 and 300.138; EC 56173)

If a parent of an individual with exceptional needs, who previously received special education and related services under the authority of the school district, enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56175)

#### **When may reimbursement be reduced or denied?**

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or
- In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56176)

#### **When may reimbursement not be reduced or denied?**

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- The school prevented you from providing notice
- You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
- Providing notice would likely have resulted in physical harm to your child
- Illiteracy and inability to write in English prevented you from providing notice, or
- Providing notice would likely have resulted in serious emotional harm to your child (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56177)

## State Complaint Procedures

### When may I file a state compliance complaint?

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 CFR 300.151–153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service  
1430 N Street, Suite 2401  
Sacramento, CA 95814

Complaints regarding special education programs are no longer covered by the District's Uniform Complaint Procedures. For more information, please refer to the Notice of Procedural Safeguards under the IDEA. Complaints alleging that a student was discriminated against due to his or her disability still fall under the District's Uniform Complaint Procedures (see attached).

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at 800-926-0648; by fax at 916-327-3704; or by visiting the CDE, [Special Education Web page](#).

### Glossary of Abbreviations Used in This Notification

ADR: Alternative Dispute Resolution  
CFR: Code of Federal Regulations  
EC: California Education Code  
FAPE: Free Appropriate Public Education  
IDEA: Individuals with Disabilities Education Act  
IEP: Individualized Education Program  
OAH: Office of Administrative Hearings  
SELPA: Special Education Local Plan Area  
USC: United States Code

**Questions: Procedural Safeguards Referral Service** | [speceducation@cde.ca.gov](mailto:speceducation@cde.ca.gov) | 800-926-0648

Last Reviewed: Thursday, January 12, 2017

## J. NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504, REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, which includes "Section 504," is a civil rights statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination against persons with disabilities participating in, or receiving benefits from, programs receiving federal financial assistance, and ensures that eligible disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

Section 504 defines a student with a disability as one who: (a) has a physical or mental impairment that substantially limits one or more major life activities, such as learning; or (b) has a record of such an impairment; or (c) is regarded as having such an impairment.

Dual Eligibility: Some students may be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (“IDEA”).

The implementing regulations for Section 504, as set out in 34 CFR, Part 104, provide eligible students with disabilities and their parents with the following rights:

1. Parents’ Rights: You have a right to be informed by the District of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) 34 CFR 104.32.
2. FAPE: Your child has the right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33
3. Free Education: Your child has the right to free educational services, with the exception of certain costs that are also imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved of an otherwise valid obligation to provide or pay for services provided to a student who becomes eligible for services under Section 504. 34 CFR 104.33
4. LRE: Your child has a right to an educational placement in the least restrictive environment, which means that to the maximum extent appropriate, your child has the right to be educated with non-disabled students, and has the right to be educated in regular classes, unless your child’s needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. 34 CFR 104.34.
5. Comparable Facilities: Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.35.
6. Evaluations: Your child has a right to an evaluation prior to an initial Section 504 placement and, if eligible for services under Section 504, before any subsequent significant change in placement. 34 CFR 104.35.
7. Testing Procedures: Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including, for example, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 CFR 104.35.
8. Section 504 Student Study Team: Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, and the placement options, and placement decisions must be made in conformity with least restrictive environment and comparable facilities obligations. 34 CFR 104.35.
9. Re-evaluations: If eligible for services under Section 504, your child has a right to periodic re-evaluation, including prior to any significant change in placement. 34 CFR 104.35.
10. Prior Notice: You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36
11. Records: You have the right to examine relevant records of your student. 34 CFR 104.36
12. Due Process Procedures: You have the right to an impartial due process hearing if you wish to contest District action regarding your child’s identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney, if you wish to retain one. 34 CFR 104.36

13. Review Procedures: You have the right to seek review in federal court if you disagree with the hearing officer's decision upon conclusion of a due process hearing. 34 CFR 104.36
14. Internal Procedures: If you disagree with the identification, evaluation, or placement of a student with disabilities under Section 504, you may, but are not required to, initiate the procedures covered in Administrative Regulation 6164.6, which is available on the District's website or upon request.
15. OCR Complaints: You have a right to file a complaint with the Office for Civil Rights. The following is the contact information for the regional office that covers California:

Office for Civil Rights  
U.S. Department of Education  
50 United Nations Plaza  
Mail Box 1200, Room 1545  
San Francisco, CA 94102  
Telephone: (415) 486-5555  
TDD (800) 877-8339  
Facsimile: (415) 486-5570  
Email: OCR.SanFrancisco@ed.gov

16. Discipline Procedures: When a student with a disability is suspended or expelled for more than 10 consecutive school days in one school year, or when there is a pattern of removals exceeding 10 school days, a significant change in placement has occurred and the District must conduct a manifestation determination review, unless the student is solely eligible under Section 504 and the conduct at issue is the illegal use or possession of alcohol or drugs and the student is currently engaged in the use of alcohol or drugs. In such instances of alcohol or drug use or possession, as well as in instances where the suspension(s) or expulsion is 10 days or less, the District may take the same disciplinary action against your child that it would take against a nondisabled student.

A manifestation determination review is conducted by the student's Section 504 Team at a meeting to which the student's parents will be invited to attend. The review will determine whether the student's behavior at issue was a manifestation of his/her disability, and this is done by answering two questions: 1) was the conduct in question caused by, or had a substantial relationship to, the student's disability; and, 2) was the conduct in question the direct result of the District's failure to implement the student's Section 504 plan. If the answer to both questions is "no," then the alleged misconduct shall be determined not to be a manifestation of the student's disability and the student may be disciplined for the conduct in question in the same manner as a student without disabilities. If the answer to either question is "yes," then the student may not be disciplined for the conduct in question.

You will be informed of the Section 504 Team's decision in writing and the right to request an impartial hearing on the issue. Neither your disagreement with the determination nor your request for an impartial hearing shall preclude the District from proceeding with disciplinary action. If, following an impartial hearing and the exhaustion of any judicial proceedings reviewing that decision, it is determined that the misconduct was caused by the student's disability or by a failure to implement a Section 504 plan, then the District shall reinstate the student to his/her prior educational program and shall promptly hold a Section 504 Team meeting to re-examine the student's current educational needs.

*REMINDER: The procedural safeguards outlined in this Notice apply only to eligible students under Section 504. Students protected by the IDEA are to follow IDEA procedures. For more information, please contact the District's Section 504 Coordinator, Clare Davies at (831)646-6523.*

**K. COLLEGE ADMISSIONS REQUIREMENTS / CAREER TECHNICAL EDUCATION  
(Education Code section 51229)**

Parents of students enrolled in grades 9-12 have a right to receive annual notice of the following college admissions requirements and career technical education information:

**A. College Admissions Requirements****University of California:**

There are three paths to eligibility for freshmen:

1. Eligibility in the Statewide Context - Students must complete specific coursework and college admissions tests and earn the required GPA and test scores.
2. Eligibility in the Local Context (ELC) - Students must rank in the top 4 percent of their graduating class at a participating California high school.
3. Eligibility by Examination Alone - Students must achieve specified high scores on their college admissions tests.

The following website links provide more information regarding University of California admission requirements:

<http://admission.universityofcalifornia.edu/>

[http://www.universityofcalifornia.edu/admissions/undergrad\\_adm/paths\\_to\\_adm/freshman/subject\\_reqs.html](http://www.universityofcalifornia.edu/admissions/undergrad_adm/paths_to_adm/freshman/subject_reqs.html)

**California State University:**

Most applicants who are admitted meet the standards in each of the following areas:

1. Specific high school courses
2. Grades in specified courses and test scores
3. Graduation from high school

The following website link provides more information regarding the California State University admission requirements:

[http://www.csumentor.edu/planning/high\\_school/](http://www.csumentor.edu/planning/high_school/)

**B. Career Technical Education**

Career Technical Education is a program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers.

For more information, visit the California Department of Education's website at

<http://www.cde.ca.gov/ci/ct/>

**Guidance Counseling**

Students may meet with guidance counselors at their school to discuss college admission requirements and/or to enroll in career technical education courses.

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***This completes the “Notice of Parental Rights and Responsibilities” section. On the following pages are the referenced board policies and regulations (also available on the District’s website), and complaint forms.***