



Lakeside Joint School District

Notification of Rights of Parents or Guardians of Minor Pupils

2018-2019

Each year school districts are required by law (California Education Code Section [48980](#)) to notify parents or guardians of minor pupils of certain rights.

Enclosed are excerpts or paraphrases of the California Education Code explaining parents/guardian rights. Should you require additional information, please contact the District office (408) 354-2372.

PARENT NOTIFICATION
YOUR LEGAL RIGHTS AND RESPONSIBILITIES AS THE PARENT OF A CHILD
IN CALIFORNIA'S PUBLIC SCHOOLS

California state law governs the basic operation of public schools, and the Legislature regularly passes new laws affecting the quality and availability of education, as well as laws mandating that local school districts undertake new responsibilities. These laws often require that the school district adequately inform parents of the opportunities and protections to which they are entitled.

The following is a summary of state law provisions with which all parents should be familiar. In most cases, the laws have been summarized, and the precise code number has been provided should parents require more detailed information. "E.C." stands for "Education Code," which is the area of state law that affects education most directly.

Notification of Rights:

School boards must notify parents and guardians of their rights to service and programs offered by public schools. Parents must sign a notification form and return it to school acknowledging they have been informed of their rights.

RIGHTS AFFORDED BY THE CALIFORNIA EDUCATION CODE

1. PUPIL RECORDS AND STAFF QUALIFICATIONS

Family Educational Rights And Privacy Act: The "Family Educational Rights and Privacy Act of 1974" (Public Law 93-380, Amended December, 1996) affords parents, legal guardians, and students over 18 years of age (eligible students) certain rights with respect to the student's educational record. Such records include all material that is incorporated into each student's cumulative record folder – specifically including, but not necessarily limited to, identifying data, completed academic work, level of achievement, attendance data, scores on standardized and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

- a. Pupil Records – (E C § [49063](#), [49069](#) [49072](#)): Federal and California law require that parents or guardians be notified of their right to inspect all school records of their child. The school principal should be contacted regarding parental access to records and district policies regarding challenges to records, costs for copies of records, and those records designated as directory information. A parent request to review pupil records will be granted within five days following the date of the request. Such review is to take place during regular school hours.
 - i. Right to Inspection of Records: (EC §49069)
 - ii. Right to Written Request to Amend Student Records: (EC§ 49070)
 - iii. Right to Hearing Panel to Amend Student Records: (EC §49070-49071)
 - iv. Disclosure from Disciplinary Records: (E C§ 49072)
 - v. Charge for Records: (E C § 49065):
 - vi. Transfer of Records: (EC § 49068):
 - vii. Student Records Log: (E C § [49076](#), [49077](#), [49078](#))
 - viii. Compliance with Court Order for Student Information: (E C §49077)
 - ix. Agency Access: (EC § 49076)
- b. Staff Qualifications: No Child Left Behind Act of 2001: Pursuant to federal law, in any school district receiving Title I funds, parents/guardians have the right to request information regarding the professional qualifications of the student's teachers including at a minimum: (1) whether the teacher has met the State credential or license criteria for the grade level and subject matter taught; (2) whether the teacher is teaching under an emergency credential or is on other provisional status; (3) the bachelor's degree major the teacher and other graduate certifications or degrees held; (4) whether the student is provided services by paraprofessionals and their qualifications.
- c. Professional Qualifications of Classroom Teachers: In January 2002, the "No Child Left Behind Act of 2001" (NCLB), reauthorized the Elementary and Secondary Education Act (ESEA). A provision of the law requires all professional qualifications of the children's classroom teachers and paraprofessionals. All teachers must be highly qualified by the end of 2005-2006. In addition, the District shall provide to each individual parent the following information: 1) information of the level of achievement of the parent's child in each of the State academic assessments, and 2) timely notice if the parent's child has been assigned, or has been taught for four or more consecutive weeks by a teacher who is not highly qualified.
- d. Curriculum Materials: (E C §[49063](#), [49091.14](#)) Parents have the right to examine the curriculum materials of the class or classes in which their child is involved. Materials are available for review at the school/district office.
- e. Filing of Complaint: parents and eligible students have the right to file a complaint concerning alleged failures by the district to comply with the requirements of the family educational rights and privacy act with: family policy compliance office, U. S. Department of Education, 600 Independence Avenue, S.W., Washington, D.C. 20202.

2. Directory information : (EC § [49073](#)) Directory information includes one or more of the following items: student's name, address, telephone number, and names & grade of other children living in the home. No directory information shall be released regarding any student when a parent has notified the school district that such information shall not be released.
3. Release of Statistical Data: (EC § [49074](#)): A school district may release statistical data when such action would be in the best educational interest of pupils and provided that no pupil may be identified.
4. Grades: (EC § [49066](#)): The grade given to each pupil shall be the grade determined by the teacher and, in the absence of mistake, fraud, bad faith, or incompetency, shall be final. Failure to wear standardized physical education apparel, which arises from circumstances beyond the control of the pupil, shall not adversely affect said pupil's grade.
5. Pupil's Progress: (EC § [49067](#)): Each school district shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period and requiring a conference with, or a written report to, the parent of each pupil whenever it becomes evident to the teacher that the pupil is in danger of failing a course. The refusal of the parent to attend the conference, or to respond to the written report, shall not preclude failing the pupil at the end of the grading period.
6. Required Parent Attendance at School: (EC § [48900.1](#)): California provides that teachers may require the parent or guardian of a student who has been suspended by the teacher pursuant to the Education Code to attend a portion of a school day in the classroom of that teacher. Parents are to be sent a notice of the requirement to attend by the principal and are to meet with the principal or designee after completing the classroom visit. A parent or guardian who is required to attend a class may not be threatened or disciplined by his/her employer for making the required classroom visitation.
7. Equal Opportunity: Equal Opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Educational Amendments of 1972) Inquiries on all matters, including complaints regarding the implementation of Title IX in the District may be referred to the District Superintendent.
8. Nondiscrimination(EC § [51500](#)): It is the policy of the District to prohibit any instruction or activity which discriminates on the basis of sex, race, color, creed, handicap, national origin or ancestry.
9. School Accountability Report (EC § [35256](#)): Parents/guardians may request a School Accountability Report Card which is issued annually for each school of the District.
10. Physical Education Requirement (EC § [51241](#)): Every school student is required to take physical education. When there is a legitimate reason for a student to be excused from physical education for three days or fewer, please send a note by the student to the school. Any time an excuse will exceed three days, a form must be completed and signed by a physician. (EC § [51223](#). (a) Notwithstanding Sections 51210 and 51222, instruction in physical education in an elementary school maintaining any of grades 1 to 8, inclusive, shall be for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.
11. Instruction of Pupils with Temporary Disabilities: ([EC §§ 48207,48208,48206.3](#)): A student is deemed to comply with the residency requirements of the district in which a hospital or residential health facility (excluding state hospitals) is located, for the purpose of receiving individual instruction if the pupil incurs a temporary disability. (Although the district in which the hospital facility is located is required to provide individual instruction, the Lakeside Joint School District may be able to provide such instruction, thereby facilitating continuity of instruction. Check with a school administrator to determine the best course of action.)
12. Asbestos Management Plan: An updated management plan for asbestos-containing material in school buildings is available at the District Office upon request.
13. Use of Pesticides: (EC §§ [48980.3](#), [17612](#)): School districts shall inform parents or guardians about the use of pesticides on school grounds as part of the annual parent notice. Additional information on pesticides is made available by the Department of Pesticide Regulation at www.cdpr.ca.gov.
14. Comprehensive School Safety Plan: (EC §§ [32286](#), [32288](#)): Each school is required to report on the status of its school safety plan, including a description of its key elements, in the annual school accountability report card.
15. Children in homeless situations: Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations.
16. Unsafe school choice: (5 CCR § 11993(k)) – Parents/guardians shall be notified of elementary and/or secondary schools considered to be “persistently dangerous” pursuant to California Department of Education guidelines and of available options. “Any firearms violations” is an event which must be considered in determining whether a school site is at risk of being classified as persistently dangerous.
17. Pupil-Free Staff Development and Minimum Day Notification: (EC § [48980](#)): Pupil-free days are usually scheduled on the school calendar, then adopted by the School Board each spring for the following school year. A maximum of three (3) minimum days may be established by the District Superintendent for professional development purposes. Parents/guardians of all students shall be furnished with notification as early as possible but not later than thirty (30) days before the scheduled minimum or pupil-free day.
18. Reporting Results Of Norm-Referenced Standardized Tests: ([EC § 60641 \(2\)](#)): Whenever a standardized test is administered by the school, the Education Code requires that student's score must be reported in writing to student's parent/guardian along with a clear explanation of the purposes of the test and its intended use by the school.
19. Free and Reduced Price Meals: (EC § [49510-49520](#)): Certain students are eligible to receive free or reduced price lunches at school. Contact the school principal for information concerning eligibility requirements.

20. Drugs, Tobacco, Alcohol: (EC § [51203](#)): The Education Code requires that parents be notified of programs offered by the District of education about drug, tobacco and alcohol abuse. The District provides such instruction on the effects of substance abuse in the core curriculum. These topics may also be addressed in other elective courses.

COMPLAINTS

1. Local Complaint Procedures (Title 5, California Code of Regulations Uniform Complaint Procedures, Article 4): Complaints should be directed to the District Superintendent. All complaints will be processed within sixty days of receipt. Options exist for mediations or appeal to the State Superintendent of Public Instruction should the complaint disagree with the District's written decision.
2. Complaints Concerning School Personnel: To promote fairness, procedures have been outlined in Board Policy and [Administrative Regulation 1312.1](#) to be followed in the resolution of complaints concerning school personnel. The Regulation and forms are available in the principal/superintendent's office.
3. Appeals, Civil Law Remedies: (EC § [262.3](#)): Persons who have filed a written complaint of prohibited discrimination with the school district may appeal the governing Board action to the Department of Education.
4. Complaints concerning deficiencies related to instructional materials, etc. :(EC § [35186](#)): Notice must be provided regarding the requirement of schools to have sufficient textbooks and instructional materials, clean and safe facilities, and no teacher vacancies or misassignments as defined. Forms to file a complaint of deficiencies are available at the District office. .

NOTICE TO PARENTS AND GUARDIANS REGARDING RIGHTS OF STUDENTS TO ENGAGE OR NOT ENGAGE IN CERTAIN SCHOOL ACTIVITIES

You are hereby notified that you have a right to permit or refuse to permit your child to engage in the school activities listed below:

1. Absence for Religious Exercises and Instruction: Students may be excused, with written permission from a parent or guardian, to participate in religious exercises or receive moral and religious instruction away from school property. Every student so excused must attend at least the minimum school day. (EC § [46014](#))
2. Sex Education or Family Life Education: Parents may inspect books and other materials used in those units that may include sex or family life education in which reproductive organs and their functions are described, illustrated or discussed. Words or pictures in any science, health, or hygiene textbook are not involved in this section. Separate notification is required for students who take such units. Written objection shall be honored if you do not want your child to attend such instruction. (EC § [51937-51939](#))
3. Excusal from Instruction: Upon written request of a parent, a student may be excused from any part of instruction in health, family life, or sex education which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions). (E C § [51240](#))
4. Right Not to be Called by Automated Calling Machine: An automated calling machine may be used by the school to notify parents of student absences. Parents or guardians who do not wish to be informed of absences in this manner must direct a written request to the principal of the school. In such instances every effort will be made to contact parents personally, but such contacts may not be as timely as those made by the automated system.
5. Immunization for Communicable Disease: Immunization may be consented to in writing by a parent for a licensed physician (or nurse acting under the direction of a supervising physician) to administer an immunizing agent. (EC § [49403](#))
6. Administration of Medication prescribed by a physician for a child during the school day may be done by a nurse, or other designated school personnel if designated under detailed instructions from a physician and upon written parental request. (EC§ [49423](#))
7. Students on Medication: Parents are to notify the principal if their student is on continuing medication. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school employee may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (EC §[49480](#))
8. Physical Examinations: A child may be exempt from physical examination whenever the parents file, annually, a written statement with the school principal stating that they will not consent to routine physical examination of their child. Whenever there is good reason to believe the child is suffering from a recognized contagious disease, the child will be excluded from school attendance. (EC §[49451 and 49452](#))
9. Child Health and Disabilities Prevention Program (HSC §§ 124085, 124105): Requires notification of parents of kindergarten and first grade pupils of requirement of physical examination for first grade enrollment and availability of free health screening through local health department. Requires up to five days of exclusion for failure to comply or sign a waiver.
10. Alternatives to Dissection of Animals: Students with moral objections to the dissection or otherwise harmful or destructive use of animals or animals parts may choose to participate in an alternative education assignment if the student's teacher agrees that such an assignment is possible. The student's objection must be sustained in writing by his/her parent or guardian. (EC§ [32255](#))

11. Liability for Treatment: Notwithstanding any provision of any law, no school district, officer of any school district, school principal, physician, or hospital treating any child enrolled in any school in any district shall be held liable for the reasonable treatment of a child without the consent of a parent/guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent/guardian cannot be reached, unless the parent or guardian has previously filed with the school district a written objection to any medical treatment other than first aid. [Education Code [49407](#)]
12. Objection To Certain Tests, Exams, Questionnaires, Or Surveys – E.C. [51513](#), [51938](#) and NCLB 20 U.S.C.§1232h(b) Before the school district can administer a test, questionnaire, survey or examination to the child containing questions about the student’s or the parents’ personal beliefs, beliefs or practices in sex or attitudes regarding sex, family life, morality or religion, school districts must first obtain written parental permission. NCLB requires notification in writing whenever the following types of information are sought by way of a test, questionnaire, survey or exam about a parent or student:
 - Political affiliations or beliefs
 - Illegal, anti-social, self-incriminating or demeaning behavior
 - Mental or psychological problems
 - Identity of the parent or student’s lawyer, physician, or minister (or other relationships that are legally recognized as being privileged)
 - Critical appraisals of individuals with whom the student or parent has close family relationships
 - Income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

Parents have the right to request that such test, questionnaire, survey or examination not be administered to their child. Once school districts have notified parents that these categories of information are being sought, parents then have the affirmative duty to notify the school district that they do not want this information released. Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7 and 8, the district shall provide parents/guardians with written notice that the survey is to be administered.

SPECIAL EDUCATION AND SPECIAL PROGRAMS

1. Services to Disabled Pupils: (EC § [56301](#)) All students with exceptional needs have a right to participate in appropriate programs of publicly supported education. Each student with exceptional needs is assured an education appropriate to his/her needs in publicly supported programs through completion of secondary education programs. Each student with exceptional needs shall have his/her educational goals and objectives specified in a written individualized education program. The law gives students and their parents certain rights to fair hearings with respect to the assessment and placement of students. For information about these programs and rights, contact the superintendent/principal at the school office. Any individual, public agency or organization may file a written complaint which, if true, would constitute a violation by that public agency of federal or state law or regulation governing special education and related services. The complaint should be filed with the Superintendent of Public Instruction, California State Department of Education, 721 Capitol Mall, Sacramento, CA 95814.
2. Disabled Students: [Section 504 of the Rehabilitation Act of 1973, 34 CFR. 104.31] Disabled students for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. In addition, services are available for students who have a disability that interferes with their equal access to educational opportunities.
3. Section 504 of the Rehabilitation Act: Section 504 is a civil rights act, which prohibits discrimination against students with disabilities. U.S. Department of Education regulations require that students with disabilities be provided with a free and appropriate public education – a program designed to meet their educational needs as adequately as the needs of students without disabilities. These regulations require identification, evaluation, provisions of appropriate services, and procedural safeguards. A student may be referred for an evaluation under 504 by district personnel, parent/guardian or someone authorized, in writing, to act on the parents’ behalf. For services contact the superintendent/principal at the school office.
4. Child Find System: Policies and Procedures: (EC § [56301](#)) Each school district, special education local plan area, or county office is required to establish written policies and procedures for a continuous child-find system which addresses the relationships among identification, screening, referral, assessment, planning, implementation, review and the triennial assessment. The policies and procedures must include, but need not be limited to, written notification to all parents/guardians of their rights and the procedure for initiating a referral for assessment to identify individuals with exceptional needs.
5. Complaints (Special Education): Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents should file a written description of the manner in which the special education programs for handicapped do not comply with state or federal law or regulations with the District Superintendent.
6. Special Education; Aiding Parents in due process Hearings (EC § [56502](#)): Requires the State Superintendent to develop a model form to assist parents and guardians in filing requests for due process. Forms are available at the district office for parents that wish to initiate due process hearings relating to special education rights.
7. Special Education; Inspection of School Records (EC § [56043\(n\)](#)): Specifies the rights of parents with children with exceptional needs to examine and receive copies of records within five business days after a request is made, and before any IEP meeting, hearing or resolution session regarding their child.

NOTIFICATION OF RELEASE OF PUPIL TO PEACE OFFICER

(EC § [48906](#)) State law and Board policy require principals or other school officials to release minor students into the custody of a peace officer with or without a warrant, if there is reason to believe that the student has violated the law (welfare and institutions code 625). Immediate steps shall be taken to notify the parent/guardian or responsible relative of the student's release and the place to which the student is reportedly being taken. Exception: when a minor has been taken into custody as a victim of suspected child abuse, as defined in Penal Code §11165, or pursuant to Welfare & Institutions Code §305.

ATTENDANCE AND DISCIPLINE PROCEDURES

1. Attendance (EC § [48200-48208](#)) The mission of the school district is to maximize the learning of all students. As a community of learners committed to excellence, we promote lifelong learning, personal integrity, social responsibility and good physical and mental health. Our graduates will be prepared to make meaningful, positive contributions to our world. The District's attendance and discipline policies and administrative regulations are meant to balance the rights of an individual student with those of the total school population.
 - a. Regular attendance in school is mandatory for the student to gain the maximum benefit from his/her education; therefore, all absences are subject to verification by school officials. It is the parent's responsibility to see that the school is called on the first day of absence to inform the attendance office of the reason for the absence. All days of absence shall be verified by telephone, email or in person with the parent/guardian.
 - b. A pupil shall be excused from school for justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his/her religion, attendance at religious retreats, or an employment conference.
2. Discipline: Suspension And Expulsion board [policy 5144](#) authorized school administrators to impose discipline when students violate district and school regulations. [Administrative regulation 5144](#) specifies the types of discipline that are authorized. Board policy [5144.1](#) and [administrative regulation 5144.1](#) specifically deal with suspension and expulsion. With administrative approval, in-house detention may be used in lieu of suspension. In implementing these policies and regulations, administrators will reference the guidelines listed. In each case due process and analysis of the individual situation will be honored.
3. District and School Rules pertaining to student discipline are available to parents or guardians of district students in the school office.

ATTENDANCE PERMITS

Students shall attend the public school in the school district in which the residency of either the parent or legal guardian is located. The District's priority is to meet the needs of pupils residing within the District's boundaries. However, the Board of Trustees recognized justifiable reasons for inter-district transfers and may consider requests that demonstrate a genuine hardship, exceptional or extraordinary circumstance or verifiable planned move into the District.

CALIFORNIA STUDENT SAFETY AND VIOLENCE PREVENTION ACT OF 2000

The California Student Safety and Violence Prevention Act of 2000 was passed by the California Legislature in September 1999 and signed into law effective January 2000. The law provides that no person shall be subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color mental or physical disability or any basis that is contained in the prohibition of hate crimes set forth in subdivision (a) of section 422.6 of the Penal Code in any program or activity conducted by an education institution that receives, or benefits from state financial assistance or enrolls pupils who receive state financial aid.

Hazing And Sexual Harassment Policy As Related To Students:

Harassment (EC § [200](#) and [212.5](#)) It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefor.

FIREARM SAFETY AND RESPONSIBILITY

Parents are advised that under California law it is a crime to keep any loaded firearm in a house where a child age 15 or under can gain access to it. If the firearm is used to cause death or great bodily injury to the child or others, the penalty is a state prison term for up to three years and/or up to \$10,000 fine. If the firearm is not used to cause great bodily injury, but is merely carried to a public place the penalty is imprisonment in county jail for up to one year and/or a fine of up to \$1000. [Penal Code §12035].

Local law enforcement officials advise parents who own firearms to keep them in locked containers.

STUDENT USE OF TECHNOLOGY

The Board of Trustees, by [Board Policy 6163.4](#), recognized that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. Every effort shall be made to provide equal access to technology throughout the District's schools and classes. The Board intends that the Internet and other on-line resources provided by the District be used to support the instructional program and further student learning.

The Superintendent or designee shall establish regulations governing student access to technology that are age appropriate. These regulations shall prohibit access to harmful matter on the Internet that may be obscene or pornographic and preclude other misuses of the system. In addition, these regulations shall establish the fact that users have no expectation of privacy and that District staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by District rules shall be subject to disciplinary action, revocation of the user access and legal action as appropriate.

Because the Internet contains an unregulated collection of resources, the District cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter. Therefore, before using the District's on-line resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement. This parent/guardian shall agree not to hold the District responsible for materials acquired by the mistakes or negligence or any costs incurred by users. Staff shall supervise students while using on-line services and may ask teacher aides and student aides to assist in this supervision.

RETURN SIGNATURE REQUIRED BY LAW

Pursuant to (EC § [48982](#)), the Legal Notice Acknowledgment shall be signed by the parent or guardian and returned to the school. Signature is an acknowledgment by the parent or guardian that he/she has been informed of his/her rights but does not indicate that consent to participate in any particular program has either been given or withheld.

IMPORTANT

For parents completing the online forms for Back to School Registration, electronically signing your Verification of Information also acknowledges that you have received this annual Parent Notification. Your electronic signature has the same legal effect and can be enforced in the same way as a written signature.

(Return to School Office)

LEGAL NOTICE RECEIPT ACKNOWLEDGMENT

Lakeside Joint School District
Lakeside Elementary School
19621 Black Road
Los Gatos, CA 95033

Student's Name _____ Grade _____

Parent/Guardian _____

I acknowledge that I have been informed of my rights and have been furnished the **2018/2019 Notification of Rights of Parents and Students.**

Signature of Parent/Guardian _____ Date _____