

**ANNUAL NOTICE TO PARENTS/GUARDIANS  
2017-2018**

Each school district must notify parents and guardians of their legal rights and obligations at the beginning of the first semester or quarter of the regular school year. The following summarizes those rights and responsibilities.

Please sign and return the attached acknowledgment indicating that you have received and reviewed these materials. Also, please check the appropriate box below, which will allow the district to send future versions of the Annual Notice to you electronically instead of a hard copy.

If you have any questions, please contact one of the numbers below and the office staff will be able to direct your inquiry to the right person.

Thank you,

Alternative Education (Court & Community Schools): 661-636-4720

Special Education Programs: 661-636-4789

Valley Oaks Charter School: 661-852-6750

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**PARENTAL ACKNOWLEDGMENT**

E.C section 48982 Requires Parents to Sign and Return this Acknowledgment

By signing below, I am neither giving nor withholding my consent for my student(s) to participate in any program nor am I agreeing to, or disagreeing to, the information contained in this Notice. I am merely indicating that I have received and read the attached notice regarding my rights relating to activities that might affect my student(s).

- I wish to receive the district's Annual Notice by logging onto the district website
- I wish to receive the district's Annual Notice only by email: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent

\_\_\_\_\_  
Printed Name of Student

\_\_\_\_\_  
Printed Name of Parent



## NOTICE TO PARENTS AND GUARDIANS

The California Education Code provides that parents and guardians are notified at the beginning of the first semester of enrollment of their rights regarding relationships with schools. In addition, parents and guardians have a right to review the school rules regarding student discipline.

### ATTENDANCE

#### **1. General Absences**

According to law, your child will have a justified excuse for absence only when it was:

- a. Due to illness.
- b. Due to quarantine under the direction of a city or county health officer.
- c. For the purpose of having medical, dental, optometrical, or chiropractic services rendered, including confidential medical services.
- d. For the purpose of attending the funeral services of a member of his/her immediate family, so long as the absence is not more than one day if the service is conducted in California, and not more than three days if the service is conducted outside California.
- e. For the purpose of jury duty in the manner provided by law. [E.C. §§ 46010, et seq.]
- f. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- g. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats-not more than 4 hours per semester, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board. [E.C. § 48205]
- h. For the purpose of serving as a member of a precinct board for an election pursuant to law. [12302 of the Elections Code]
- i. For the purpose of spending time with a member of his/her immediate family, who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Such absences will be granted for a period of time to be determined at the discretion of the Superintendent of the school district.
- j. For the purpose of attending his/her naturalization ceremony to become a United States Citizen.

#### **2. No Grade Reduction or Loss of Academic Credit**

Your child shall not have his/her grade reduced or lose academic credit for any excused absence(s) if missed assignments and tests can be reasonably provided and are satisfactorily completed in a reasonable time. [E.C. § 48205 (j)]

#### **3. Absence for Religious Purposes**

With your written permission, your child may be excused to attend religious exercises or to receive moral and religious instruction away from school. However, your child will be required to complete a minimum number of minutes for that day. Such absences are limited to four days per month. [E.C. § 46014]

#### **4. Individualized Instruction**

If your child has a temporary disability which prevents him/her from attending regular classes, the district will provide individual instruction when possible. [E.C. §§ 48206.3 and 48980(b)]

## **5. Pupils in Hospitals Outside of School District**

If your child is, due to a temporary disability, in a hospital or other residential health facility which is located outside your school district, he/she may be eligible to attend the school district in which the hospital is located. If this situation should arise, you should notify both the district where you reside and the district where the hospital is located so that individualized instruction, if possible, can be provided. [E.C. § 48206.3, 48207, and 48208]

## **DISCIPLINE**

## **6. Student Discipline Rules and Right to Review**

The district maintains a student discipline code with a policy and procedures. You have a right to review the school rules regarding student discipline. If you wish to do so, please contact the school office. [E.C. § 35291]

## **7. Release of Student to Peace Officer**

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 responsible relative that the child is in custody and the place where the child is being held, unless the child would be endangered by disclosure of the place. [E.C. § 48906]

## **8. Parent Responsibility for Student-Caused Damages**

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 school property. Parents are also liable for any school property loaned to the student and willfully not returned. This school year, parent's or guardian's liability may be as much as \$25,000 in damages and another maximum of the same amount for payment of a reward, if any. [E.C. § 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. [E.C. § 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. [E.C. § 48900.1]

## **9. Student Search**

The school principal or designee may search the person of a student (including backpack, purse, bag, etc.) or the student's locker if there is a reasonable suspicion to believe the student may have a concealed weapon, narcotics, stolen property, or contraband. When possible, staff shall use a metal detector when searching an individual for weapons. Random searches may offer a reasonable means to keep weapons out of school. Evidence gathered from video surveillance tape systems in posted areas is specifically admissible in discipline hearings, as no one has a reasonable expectation of privacy in those circumstances. [U.S. Supreme Court Case: New Jersey v. T.L.O. (1985) 469 U.S. 325]

## **10. Student Sexual Harassment**

The district takes allegations of sexual harassment seriously. Students in grades 4 through 12 may be suspended or expelled for engaging in sexual harassment. See item #43 for additional information.

## **11. Involuntary Transfer of Student Convicted of a Violent Felony or Misdemeanor Where Victim Enrolled at Same School**

A student perpetrator who has been convicted of a violent felony or a misdemeanor involving a firearm may be involuntarily transferred to another school site if the victim of the offense is enrolled at the same school as the perpetrator. The school will first attempt to resolve their conflict using restorative justice or counseling, if the victim will participate; the student perpetrator be notified of his/her right to request a meeting with the school principal before the principal makes a recommendation; the Superintendent or his/her designee make a recommendation to

the governing board; and the board deliberate in closed session as may be necessary to maintain the confidentiality of student information. The board's decision will be final.

## **STUDENT SERVICES**

### **12. Services to Pupils with Disabilities**

If you have reason to believe that your child (ages 0 through 21 years) may have a disability which requires special services or accommodations, bring this to the attention of the school office. Your child will be evaluated to determine whether he/she is eligible for special instruction or services. [E.C. §§ 56020, et seq. and 56301; CFR 104.36] A call may also be made to the Search and Serve office serving Kern County, 661-636-4817. This call will initiate a screening or referral of the child to consider special education.

Any request for assessment must be made in writing and received by the District. If a request for assessment is made via e-mail, the request will be considered received by the District when the e-mail is opened.

You will be notified in writing of all district decisions regarding the identification, evaluation, or educational placement of your student if he/she has a disability or suspected disability. All such notifications will include a statement regarding procedural safeguards, including but not limited to, your right to examine relevant records, have an impartial hearing with an opportunity for participation by you and your counsel, and have a review procedure.

### **13. Prospectus of School Curriculum**

The curriculum of every course offered by the schools of the district is compiled annually by each school in a prospectus which contains the titles, descriptions, and instructional aims of every course offered by each school. Each school prospectus is available for review upon request at each school site. [E.C. §§ 49063 and 49091.14]

### **14. Student Lunch Program**

Your child may be eligible for free and reduced meal prices. The application form and related information will be distributed to all parents at the beginning of each school year and is available to students at all times during the school day. [E.C. §§ 49510-49520]

## **HEALTH/SAFETY SERVICES**

### **15. Kindergarten and First Grade Physical Examination**

Good health including good oral health is important to your child's learning and successful academic career. 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. Likewise, state law requires that by May 31st of your child's first school year in a public school, proof of an oral health assessment on your child by a licensed dentist must be presented. You may file a written objection with the school district or a waiver stating the reasons if 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. These services may be available to you at no cost through the Child Health and Disability Prevention Program (CHDP). For information, you may contact them at 868-0305 or 1-800-974-2717. [Health and Safety Code §§ 323.5, 324.2., 324.3; E.C. §§ 48211, 49450].

### **16. Immunizations**

Immunizations must be up-to-date before admission to any K-12 school program is granted. To enter or transfer into public and private elementary and secondary schools (grades kindergarten through 12), children under age 18 years must have immunizations as outlined below. New 7th grade entry requirements went into effect July 1, 1999. A varicella requirement for kindergarten entry went into effect July 1, 2001. A new Tdap requirement for 7th grade entry went into effect July 1, 2011. [E.C. §§ 49403 and 48216; Health and Safety Code §§ 120335, 120365, and 120370]

State law requires the following immunizations before your child can attend school:

VACCINE	REQUIRED DOSES
Polio	<p>4 doses at any age, but 3 doses meet requirement for ages 4-6 if at least one was given on or after the 4<sup>th</sup> birthday; 3 doses meet requirement for ages 7-17 years if at least one was given on or after the 2<sup>nd</sup> birthday.</p> <p>(Receipt of a dose up to, and including, 4 days before the birthday will satisfy the school entry immunization requirement.)</p>
Diphtheria, Tetanus, and Pertussis	<p>Age 6 years and under: [DTP, DTaP or any combination of DTP or DTaP with DT (diphtheria and tetanus)] 5 doses at any age, but 4 doses meet requirements for ages 4-6 years if at least one was on or after the 4<sup>th</sup> birthday.</p> <p>-----</p> <p>Age 7 years and older: [Tdap, Td, or DTP, DtaP or any combination of these] 4 doses at any age, but 3 doses meet requirement for ages 7-17 years if at least one was on or after the 2<sup>nd</sup> birthday. If last dose was given before the 2<sup>nd</sup> birthday, one more (Tdap) dose is required.</p> <p>(Receipt of a dose up to, and including, 4 days before the birthday will satisfy the school entry immunization requirement.)</p>
Measles, Mumps, Rubella (MMR)	<p>Kindergarten: 2 doses both on or after 1<sup>st</sup> birthday.</p> <p>(Two doses of measles-containing vaccine required. One dose of mumps and rubella-containing vaccine required. Receipt of a dose up to, and including, 4 days before the birthday will satisfy the school entry immunization requirement.)</p> <p>-----</p> <p>7<sup>th</sup> grade: 2 doses both on or after 1<sup>st</sup> birthday.</p> <p>(Two doses of measles-containing vaccine required. One dose of mumps and rubella-containing vaccine required. Receipt of a dose up to, and including, 4 days before the birthday will satisfy the school entry immunization requirement.)</p> <p>-----</p> <p>Grades 1-6 and 8-12: 1 dose on or after 1<sup>st</sup> birthday. (Receipt of a dose up to, and including, 4 days before the birthday will satisfy the school entry immunization requirement.)</p>
Hepatitis B	<p>3 doses at any age</p> <p>(Not required for 7<sup>th</sup> grade.)</p>
Varicella	<p>1 dose</p> <p>(Physician-documented varicella/chickenpox disease history or immunity meets the varicella requirement. 2 dose varicella requirement for ages 13-17 years applies to transfer students who were not admitted to a California school before July 1, 2001.)</p>
Tdap Booster (tetanus, reduced diphtheria, and pertussis)	<p>7<sup>th</sup> grade: 1 dose on or after 7<sup>th</sup> birthday.</p> <p>(Tdap, DTaP, or DTP given on or after 7<sup>th</sup> birthday will meet the requirement. Td does not meet the requirement. 8th-12th grade students transferring from outside of California must meet the requirement.)</p>

If prior to January 1, 2016, a student's parent/guardian files with the district a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, then the student is exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization. The grade spans are: birth to preschool; grades K-6; and grades 7-12. Otherwise, all students entering pre-school, kindergarten or the 7<sup>th</sup> grade are required to comply with the Health and Safety Code school immunization requirements.

Special education students may nevertheless access special education and related services as required by the student's IEP.

If a student's parent/guardian files with the district a written statement by a licensed physician to the effect that the physical condition of the student is such, or medical circumstances relating to the child are such, that immunization is not considered safe, then the student may be exempt from the immunization requirements. The statement must indicate the specific nature and probable duration of the medical condition or circumstances including, but not limited to, family medical history, for which the physician does not recommend immunization.

Students with a timely filed exemption are allowed continued enrollment to the next grade span. However, if it is determined that a child has been exposed to one of the 10 diseases named in the immunization requirements and does not have proof of immunization, the child may be temporarily kept out of school.

If an outbreak of a communicable disease occurs at a school, the non-immunized student will be excluded for his/her own safety until such time as directed by health officials or district administration. [Health and Safety Code section 120335].

## **17. Administering Medication and Monitoring Health Conditions**

Kern County Superintendent of Schools recognizes that during the school day, some students may need to take medication prescribed or ordered by an authorized health care provider to be able to fully participate in the educational program. Upon written request by you and with the approval of your child's authorized health care provider, together with a release by parents, foster parents, or guardians of civil liability for such self-administration, a student with a medical condition that requires frequent treatment, monitoring or testing (including, but not limited to, diabetes and asthma) may be allowed to self-administer, self-monitor, and/or self-test. Your child must observe universal precautions in the handling of blood and other bodily fluids.

### **a. Self-Administration [E.C. § 35183.5]**

If your child has a medical condition, including, but not limited to diabetes and asthma, your child may be allowed to self-administer, self-monitor, and/or self-test, only if:

1. The Principal of your child's school receives a written statement from the physician detailing the name of medication, method, amount, and time schedules by which the medication is to be taken or the monitoring is to occur; and
2. Parent submits a written statement indicating his/her desire that the school district monitor or assist his/ her child in the administration, monitoring and/or testing; and
3. Parent signs a release statement on a special form available from the school. [E.C. § 49423 and 49489]

### **b. Medication that School Personnel Assists in or Administers** If your child must take medication during the school day which is prescribed by a physician, including an emergency anti-seizure medication for a student with epilepsy, designated school personnel may assist your child only if:

1. The Principal of your child's school receives a written statement from the physician detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken; and
2. Parent submits a written statement indicating his/her desire that the school district monitor or assist his/ her child in the administration, monitoring and/or testing; and
3. Parent signs a release statement on a special form available from the school. [E.C. § 49423 and 49489]
4. If the medication, dosage, frequency of administration, or reason for administration changes at some point in the year, you must provide a new written statement from your child's authorized

health care provider.

When unlicensed personnel are authorized by law to administer a medication, such as emergency anti-seizure medication, epinephrine auto-injector, or glucagon, the Superintendent or designee will ensure that school personnel designated to administer it to students receive appropriate training from qualified medical personnel before any medication is administered. Additionally, such unlicensed personnel will be supervised by, and provided immediate communication access to, a school nurse or physician. In an emergency situation such as a public disaster or epidemic, a trained, unlicensed district employee may administer medication to a student.

If your child is on a continuing medication regimen for a non-episodic condition, you are required to notify the Superintendent of the medication being taken, the current dosage, provide the name of the supervising physician, and provide the necessary medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container must have the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. With your consent, the school nurse or other designated employee may communicate with your child's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student.

#### **18. Sunscreen Use**

Students may carry and use sunscreen without a doctor's note or prescription, and may also wear sun-protective clothing outdoors. [E.C. § 35183.5]

#### **19. Health Care Coverage**

Kern County Superintendent of Schools has information on health care coverage options and enrollment assistance. If interested, please contact the school office for this information.

#### **20. Physical Examinations**

If you want your child to be exempt from physical examinations at school, file a written statement with the school refusing such an exam. However, when there is a good reason to believe that your child is suffering from a recognized contagious or infectious disease, he/she may be sent home and shall not be permitted to return to school until the contagious or infectious disease does not exist. [E.C. § 49451]

#### **21. Dental Fluoride Treatment (Health and Safety Code section 104830)**

Pupils will be provided the opportunity to receive topical application of fluoride or other decay-inhibiting agent to their teeth. Parents/guardians or eligible pupils should submit a written request for this treatment.

#### **22. Medical and Hospital Services**

Medical and hospital services for students injured at school, school-sponsored clients or while being transported may be insured at district or parent expense. [E.C. § 49472] The district provides coverage for immediate and surgical treatment of bodily injuries to a regularly enrolled student resulting from an accident occurring on school grounds or other facilities being used in the district's educational programs or during transportation to and from those places. This includes field trips and all other interscholastic athletic competitions with the exception of tackle football. Coverage may be applicable for up to 52 weeks following the accident, with a limit of \$2,500, and the coverage applies for expenses that exceed the limit of, are less than the deductible of, or are simply not covered by, other insurance available to the student.

#### **23. Scoliosis Screening (Curvature of the Spine)**

If your child is enrolled in grades 7 through 12, and is suspected of having curvature of the spine, please notify the school office. The district may screen female students in grade 7 and male students in grade 8 for the condition known as scoliosis. If the initial screening indicates the student may have scoliosis, additional screening may be required. You may request in writing that your student not be screened. If your child is identified at school as having the condition, you will be notified in accordance with the law. [E.C. § 49452.5]

#### **24. Sight and Hearing Test/Vision Appraisal**

The school district is required to provide for the testing of the sight and hearing of each student enrolled in the



schools unless you submit a written denial of consent. [E.C. § 49452] 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 that it violates your faith in a recognized religious belief. [E.C. § 49455]

## **25. Information for Use in Emergencies**

For the protection of your child's health and welfare, we ask that you fill out and return an Emergency Information Card each year and notify the Principal of any changes. It is asked that you provide current information including the home or business addresses and phone numbers of relatives or friends authorized to care for the child in an emergency situation if the parent or legal guardian cannot be reached. [E.C. § 49408]

## **25. Confidential Medical Services without Parental Consent**

According to the Education Code, school authorities may excuse any student in grades 7 through 12 from school for the purpose of obtaining confidential medical services without the consent of the pupil's parents or guardian. [E.C. § 46010.1]

## **26. Management Plan for Asbestos-Containing Material**

A complete, updated management plan for asbestos-containing material in school buildings is available at each school office.

## **27. Pesticide Warnings**

The district has implemented an integrated pest management (IPM) program designed to effectively control pests using a combination of techniques. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property and the environment may be used according to established regulations and treatment thresholds.

Pursuant to the Health Schools Act of 2000, the district is required to notify staff, parents, or guardians of the name of all pesticide products expected to be applied at the school facility during the upcoming year. This notice is routinely posted at each school site, and is sent home as a separate notification.

If you wish to receive notification of individual pesticide applications at the school facility, please notify the teacher or principal and request a registration form. You will receive notification at least 72 hours prior to the application.

Information regarding pesticide information may be obtained at website for the California Department of Pesticide Regulation at [www.cdpr.ca.gov/cfdocs/apps/schoolipm](http://www.cdpr.ca.gov/cfdocs/apps/schoolipm)

## **28. School Safety Plans**

Each school site has established a Safety Plan. Notice of the Plan details is available to the public through the district office on request, and copies are provided to local law enforcement.

## **29. Type 2 Diabetes Information**

Pursuant to California Education Code Section 49452.7 information about Type 2 Diabetes must be provided to parents and guardians of incoming seventh grade students beginning July 1, 2010. A Type 2 Diabetes sheet from the California Department of Education is included with this notice.

## **30. Vision Appraisal**

KCSOS is required to appraise each student's vision upon initial enrollment and in grades 2, 5 and 8, except that a student first enrolling in grade 4 or grade 7 will not be reappraised the following year. The appraisal will include tests for visual acuity and color vision; however, color vision will be appraised once and only on male students. The evaluation may be viewed upon presentation of a certificate from a physician and surgeon, physician's assistant, or optometrist setting out the results of a determination of the student's vision, including visual acuity and color vision. The appraisal does not apply to a pupil whose parent/guardian files with the principal a written statement that they adhere to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depend on prayer for healing in the practice of their religion.

### **31. Tobacco-Free Schools/No Smoking Policy**

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff. The law requires that all recipients of any state and/or federal grant or contract maintain tobacco-free school sites.

Please be advised that use of tobacco products at any time by students, staff, parents, or visitors, is strictly prohibited in district-owned or leased buildings, on district property, and in district vehicles. This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate. Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may direct the person to leave school property, request local law enforcement assistance in removing the person from school premises, and/or prohibit him/her from entering district property for a specified period of time. [Health and Safety Code § 104420]

### **SEX / HIV / AIDS EDUCATION**

### **32. Sex Education**

Comprehensive Sexual Health Education, HIV Prevention Education, and Assessments Related to a Student's Health Behaviors and Risks Including Attitudes Concerning or Practices Relating to Sex (E.C. sections 51934-51939)

Districts shall annually notify parents about instruction in comprehensive sexual health education, HIV / AIDS prevention education and research on student health behaviors and risks, including attitudes concerning or practices relating to sex planned for the school year. Written and audiovisual educational materials used in such education are available for inspection. You will be notified prior to the commencement of any such instruction as to whether the instruction will be taught by district personnel or by outside consultants in class or during an assembly. If arrangements for this instruction are made after the beginning of the school year, you will be notified no less than 14 days prior to the date the instruction is delivered. You will also be notified of the date of the instruction, the name of the organization or affiliation of each guest speaker, if any, and your right to request a copy of the law pertaining to such instruction. A parent or guardian of a pupil has the right to excuse their student from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a written "opt-out" process. You may opt out by so advising the district in writing.

The law also authorizes the district to use anonymous, voluntary and confidential research and evaluation tools to measure student's health behaviors and risks, including tests, questionnaires, and surveys containing age appropriate questions about the student's attitudes concerning or practices relating to sex, may be administered to any pupil in grades 7 to 12, inclusive. The district must notify you in writing before any such test, questionnaire, or survey is administered and provide you with an opportunity to review the test and request in writing that your child not participate.

If the school has received a written request from the student's parent or guardian excusing the pupil from participation in comprehensive sexual health education, HIV prevention education, and assessments related to that education, the student may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.

While comprehensive sexual health education, HIV prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

## **EXEMPTIONS**

### **33. Dissection of Animals**

If your child chooses not to participate in the dissection of animals, and if the teacher believes that an adequate alternative education project is possible, then the teacher may work with him/her to develop and agree upon an alternative educational project for the purpose of providing your child an alternate avenue for obtaining the information required by the class. The school will need a signed note from you indicating your child's objection. [E.C. § 32255-32255.6]

### **34. Excused from Instruction Due to Religious Belief**

Whenever any part of the instruction in health or family life education conflicts with your religious training, beliefs, or personal moral conviction, or those of your child, your child shall be excused from such instruction upon your written request. [E.C. § 51240]

### **35. Homeless Youth Education**

Parents of homeless students are to be informed of educational and related opportunities available to their children and must be provided with meaningful opportunities to participate in the education of their children. District Liaisons for homeless students must ensure that public notice of the rights of homeless students is disseminated per federal law. [42 U.S. 11432]

### **36. Tests on Personal Beliefs**

Unless you give written permission, your child will not be given any test, questionnaire, survey, or examination containing any questions about your child's, or his/her parents' or guardians' personal beliefs or practices in sex, family life, morality, or religion. [E.C. §§ 51513, 60614]

## **SCHOOL RECORDS AND ACHIEVEMENTS**

### **37. Pupil Records/Notice of Privacy Rights of Parents and Students**

Except for certain exceptions, pupil records are confidential and will not be disclosed without your consent. If you have completed and signed a Caregiver's Authorization Affidavit for the purpose of enrolling a minor student in school, you have the right to access the student records of the child for whom you provide care. If you are fourteen (14) years old or older and are identified as both homeless and an unaccompanied youth, you may access your student records without parental consent.

Pupil records are any items of information (in handwriting, print, tape, film, microfilm, or other medium) that are directly related to an identifiable student, other than "directory information," and are maintained by KCSOS or required to be maintained by an employee in the performance of his/her duties. Pupil records include the student's health record. School district officials responsible for maintaining your child's records are as follows: Administrator, Division of Special Education Supports and Services; Director, Student Services; and Director, Valley Oaks Charter School.

Please be aware that, when your child enrolls or intends to enroll in another district, agency, or institution, we will forward his or her records to that district, agency, or institution within 10 school days of receiving a request as long as the disclosure is for purposes related to the student's enrollment. Various original records or copies of those records shall be retained permanently by Kern County Superintendent of Schools. Additionally, your child's records may be shared with school officials and employees of Kern County Superintendent of Schools, and other persons connected with KCSOS who has a legitimate educational interest, or other legally authorized purpose, and who may need your child's records to perform his or her tasks. "School officials and employees" are individuals whose duties and responsibilities Kern County Superintendent of Schools, whether routine or as a result of special circumstances, require that they have access to student records. A "legitimate educational interest" is an interest

held by a school official, employee, or person outside of Kern County Superintendent of Schools, as further defined here and in Board Policy, whose duties, responsibilities or contractual obligations to Kern County Superintendent of Schools, whether routine or as a result of special circumstances, require him/her to have access to student records. Persons outside Kern County Superintendent of Schools who may have access to particular records that are relevant to their legitimate educational interest, or other legally authorized purpose, include those with a formal written agreement or contract with KCSOS regarding the provision of services or functions outsourced to him/her by KCSOS, including: contractors; consultants; insurance carriers; claims adjusters; accountants; attorneys; investigators; or other parties to whom KCSOS has outsourced institutional services or functions, including third party vendors and service providers who provide online educational software and/or services that are part of the district's educational program or who manage certain data stored in a secure cloud computing or web-based system for KCSOS.

For additional information, please see Education Code section 49076 and 34 Code of Federal Regulations section 99.1 et seq. and contact the Administrator, Division of Special Education Supports and Services; Director, Student Services; or Director, Valley Oaks Charter School, whomever corresponds to your student's service provision or the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-4605.

Pursuant to Education Code section 49064, a log or record must be maintained for your child's record which lists all persons, agencies, or organizations requesting or receiving information from the record and legitimate interests therefore. This log can be inspected at your child's school or other appropriate location.

As a parent, you have a right to inspect and review your child's school records, including records possessed by a potential vendor under contract with the district to provide online services or products, and also including any information about your child collected from social media if the district is operating a social media collection program. To access individual student records, please contact the school of attendance or your student's principal. You also have the right to challenge the contents of your child's records, to have an administrator assist you in interpreting the records, to request amendment to ensure that they are not inaccurate, misleading, or otherwise in violation of your child's privacy rights, to seek expungement of those records, to have a district-level hearing to appeal the decision not to change records, and to file a complaint with the state and/or U.S. Department of Education if Kern County Superintendent of Schools fails to comply with state and federal law with regard to your child's records. If your child's records include information concerning any disciplinary action taken in connection with your student, you have the right to include in the record a written statement or response concerning the disciplinary action. To review policies related to review and/or expungement of your child's records, please contact your child's principal. You also have the right to inspect all instructional materials which will be used in connection with any survey, analysis or evaluation as part of any applicable program. If you would like a copy of your child's records, the cost of such duplication, if any, will be discussed with you.

[E.C. §§ 49060, 49061, 49062, 49063, 49064, 49068, 49069, 49070, 49073, 49076 and 49077; Family Educational Rights and Privacy Act (FERPA) 34 CFR 99.3; 34 CFR 99.7; 34 CFR Part 99.30; 34 CFR Part 99.31; 34 CFR Part 99.33; and 34 CFR 99.35; Health and Safety code 120440; 20 USC 1232g, h]

### **38. Release of Directory Information**

The law requires that schools, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the District may disclose appropriately designated "directory information" without written consent, unless you have advised your child's principal that you do not wish this information to be released in accordance with Kern County Superintendent of Schools' procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Outside organizations to which directory information may be disclosed include, but are not limited to, companies that sell class rings, school photography, graduation attire, and /or publish school yearbooks; news media, including, but not limited to: newspapers, magazines, radio and television stations; nonprofit organizations; military recruiters; employers; and institutions of higher education.

Directory information is defined by policy as information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information may include: a student's name, address, telephone number, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, and the most

recent previous school attended by the student.

By law, the schools must give notice to parents of the school's decision to release designated directory information, and must allow a parent to inform the principal in writing that any or all of the information designated as directory information should not be released without parent consent. This is your notice. If you do not want directory information about your student to be disclosed without your written consent, you must inform the school where your student attends within thirty (30) days from the date of receiving this notification.

Directory information will not be released regarding a student identified as a homeless child or youth unless a parent, or student accorded parental rights, has provided written consent that directory information may be released.

[E.C. 49061(c), 49070, 49073, and 51938; 34 CFR 99.37; 20 USC 7908; 20 USC 1232h]

### **39. Student Surveys**

No student may be required to submit to a survey, questionnaire, or examination that reveals sensitive, personal information without the prior written consent of the parent. 20 USC 1232h requires notification to parents of the specific or approximate dates when the administration of any survey that reveals sensitive, personal information is scheduled or is expected to be scheduled. This notification must offer parents an opportunity to opt their child out of participation in the activity.

You have the right to inspect a survey or other instrument to be administered or distributed to your child that either collects personal information for marketing or sale or requests information about beliefs and practices and any instructional material to be used as part of your child's educational curriculum. Such a survey may be given at the following approximate times throughout the school year: upon enrollment, spring: Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district must provide you with written notice that the survey is to be administered. Please contact your child's school if you wish to inspect any survey or other instrument to be given to your child. [E.C. section 51513; 20 USC 1232h]

### **40. Release of Information to Military Services Representatives**

Federal law requires school districts receiving assistance under the No Child Left Behind Act to provide military recruiters the same access to secondary school pupils as is provided to post-secondary educational institutions or to prospective employers. Parents may request that the district not release their pupil's name, address and telephone number without prior written consent. Written notice must be submitted to the school if the parent or legal guardian wishes to deny access to this information.

### **41. School Accountability Report Card**

The School Accountability Report Card is available on request and is accessible at the following internet site: kern.org. This contains information about the district regarding the quality of the district's programs and its progress toward achieving stated goals. [E.C. section 35256]

## **PARENTAL RIGHTS**

### **42. Parental Rights: Education Empowerment Act of 1998**

The Education Empowerment Act of 1998 establishes various rights for parents, in addition to other rights identified in this Annual Notice. Your rights, as a parent or guardian, include the following:

**a. Inspection of Instructional Materials:**

All primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, audio and video recordings and software shall be compiled and stored by the classroom instructor and made available promptly for your inspection in a reasonable time frame or in accordance with procedures determined by the governing board of the school district.

**b. Observation of School Activities:**

You have the right to observe instruction and other school activities that involve your child in accordance with procedures determined by the governing board of the school district to ensure the



safety of pupils and school personnel and to prevent undue interference with instruction or harassment of school personnel. Reasonable accommodation of parents and guardians shall be considered by the governing board of this school district. Upon written request by you, school officials shall arrange for your observation of the requested class or classes or activities in a reasonable time frame and in accordance with procedures determined by the governing board of this school district.

c. **Consent for Evaluations:**

Your child may not be tested for a behavioral, mental or emotional evaluation without your informed written consent.

d. **Affirmation or Disavowal of Beliefs:**

A pupil may not be compelled to affirm or disavow any particular personally or privately held world view, religious doctrine or political opinion. This law does not relieve pupils of any obligation to complete regular classroom assignments.

e. **Health Component of any Program or Class:**

Parents may exempt students from the health component of any course or class if that instruction conflicts with a parent or guardian's religious training or beliefs.

f. **Other Parental Rights:**

The rights of parents and guardians of district pupils include the rights identified below. These rights include your right:

- 1) To observe in your child's classroom (upon reasonable notice); a copy of the specific classroom visitation policy is available from each principal.
- 2) To meet with your child's teacher and the school principal (upon reasonable notice).
- 3) To volunteer your time and resources at the school.
- 4) To be notified on a timely basis if your child is absent from school without permission.
- 5) To be notified concerning your child's classroom and standardized test performance.
- 6) To request a specific school and teacher and to receive a response from the school district. (This does not obligate the school district to grant the request.)
- 7) To have a safe learning environment for your child.
- 8) To examine curriculum materials of your child's class.
- 9) To be informed of your child's progress and appropriate school personnel to contact in the event of problems.
- 10) To access student records for your child.
- 11) To receive information concerning expectations for student learning.
- 12) To be informed in advance about school rules, policies, dress codes and procedures for visiting the school.
- 13) To receive information about any psychological testing of your child and to deny permission for such testing.
- 14) To participate as a member of any school site councils or parental advisory councils at the school, in accordance with governing membership.
- 15) To question and receive an answer regarding items in your child's record that appear inaccurate, misleading or that invade privacy.

#### **43. State Testing and Reporting (STAR) Program**

In order to meet the requirements of the federal No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act (IDEA), schools must show evidence that all students are included in a statewide assessment

and accountability system. In California, that system is the California Assessment of Student Performance and Progress (CAASPP) program, which assesses all students in grades three through eight and eleven, including students with disabilities, English Learners, and students placed in Non-Public Schools (NPSs) by a school district. The CAASPP program includes the following tests:

- Smarter Balanced Assessment Consortium (SBAC)
- Science Assessment
- Early Assessment Program (EAP)
- California Alternate Performance Assessment (CAPA)

Pupils in applicable grade levels will participate in the CAASPP, except as exempted by law. Each year, a parent or guardian may submit a written request to excuse his or her child from any or all parts of the CAASPP assessments for that school year. If the exemption request is submitted after testing begins, any test(s) completed before the request was submitted will be scored; the results will be included in the pupil's records and reported to the parent or guardian. District employees will not solicit or encourage any exemption request on behalf of a pupil or group of pupils.

Note: The student's IEP team annually designates which assessment the student will take as part of the CAASPP program, either the SBAC or the CAPA.

a. **Smarter Balanced Assessment Consortium (SBAC)**

The Smarter Balanced Summative Assessments are comprehensive end of year assessments of grade-level learning that measure progress toward college and career readiness. Each test, English language arts/literacy (ELA) and mathematics is comprised of two parts: (1) a computer adaptive test and (2) a performance task. The Summative Assessments are aligned with the Common Core State Standards (CCSS) for English language arts/literacy (ELA) and mathematics. The tests capitalize on the strengths of computer adaptive testing—efficient and precise measurement across the full range of achievement and timely turnaround of results.

b. **Science Assessment**

On September 4, 2013, the State Board of Education adopted the Next Generation Science Standards (NGSS) for California Public Schools, Kindergarten through Grade Twelve as required by California Education Code Section 60605.85. The California Department of Education is developing assessments based on the NGSS. During the transition to new science assessments, the 2015–16 CAASPP System encompasses federally required science assessments in grades 5, 8, and 10.

c. **Early Assessment Program (EAP)**

The California Department of Education (CDE) collaborates with the California State University (CSU), California Community Colleges (CCC) and the State Board of Education (SBE), to address the increasing number of incoming college students who require remediation in English and/or mathematics. Beginning in spring 2015, the CSU began utilizing CAASPP English language arts/literacy and mathematics performance level outcomes to provide grade eleven students, their families, and high schools early signals about students' readiness for college-level coursework. The Early Assessment Program (EAP) is designed to bridge the gap between high school standards and college expectations by substantially increasing college readiness and college success of California's high school students. In addition, the EAP not only strengthens comprehensive, high-school-based, college preparation programs, but it also allows each public high school, CCC and CSU to determine the college preparation status of individual students.

d. **California Alternate Performance Assessment (CAPA)**

Alternate assessments are based on alternate achievement standards (AA-AAS) aligned with the Common Core State Standards (CCSS) for students with significant cognitive disabilities. The goal of the alternate assessment is to ensure that students with significant cognitive disabilities achieve increasingly higher academic outcomes and leave high school ready for post-secondary options.

e. **California High School Exit Exam (CAHSEE)**

The administration of the high school exit examination, and the requirement that each student completing grade 12 successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school, has been suspended for the 2015-16, 2016-17, and 2017-18 school years.

f. **California High School Proficiency Exam (CHSPE)**

The California High School Proficiency Exam (CHSPE) is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. Eligible pupils who pass the CHSPE are awarded a Certificate of Proficiency by the State Board of Education. A pupil who receives a Certificate of Proficiency may, with verified approval from the parent or legal guardian, leave high school early. The Certificate of Proficiency, however, is not equivalent to completing all course work required for regular graduation from high school. For more information, including administration dates and registration deadlines, visit the following website: <http://www.chspe.net/>.

g. **California English Language Development Test (CELDT)**

State law (Education Code sections 313, 60810 and 60812) requires the development of a state test that school districts must give to students whose home language is not English. This test is called the California English Language Development Test (CELDT). Federal law, No Child Left Behind, Title III, also requires an annual English proficiency assessment.

All students, whose home language is not English, must take the CELDT within 30 calendar days after they are enrolled in a California public school for the first time to determine if they are an English learner. The CELDT also must be given once each year to English learners until they are reclassified as fluent English proficient (FEP).

Students with disabilities may use accommodations or modifications as specified in Individualized Education Program (IEP) or 504 plans. If an IEP team determines that a student is too severely disabled to take the CELDT, alternate assessments may be used to determine English proficiency.

h. **The California Physical Fitness Test (PFT)**

The California Physical Fitness Test (PFT) provides information that can be used by students to plan personal fitness programs; teachers to design the curriculum for physical education programs; and parents/guardians to understand their children's fitness levels.

All California public school students in grades five, seven, and nine are required to take the PFT, whether or not they are enrolled in a physical education class. Students who are physically unable to take the entire test battery are to be given as much of the test as conditions permit.

A number of options for each fitness area are provided so that students, including those with disabilities, have the maximum opportunity to participate in the tests. The teacher or the student may select the test for each fitness area.

i. **The School Accountability Report Card**

The School Accountability Report Card is available on request and is accessible at the following internet site: [www.kcccl.org](http://www.kcccl.org) or <http://kcsos.kern.org/SpecialEdRev/SARC>. This contains information about the quality of programs and its progress toward achieving stated goals.

### **DUE PROCESS PROTECTIONS AND COMPLAINT PROCEDURES**

#### **44. Complaints Regarding Employees**

The appropriate Principal will handle a complaint by parent informally and try to reach mutual agreement. (See Procedure for Handling Complaints, Non-Due Process, 12/7/88.) [E.C. § 49061(c), 49070 (a) (3)]

#### **45. Uniform Complaint Procedures**

The Kern County Superintendent of Schools Office (KCSOS) recognizes that it has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. KCSOS will investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, intimidation, or bullying in accordance with the district's uniform complaint



procedures. KCSOS has adopted a uniform complaint policy and procedures for use when addressing complaints alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in EC sections 200 or 220, Penal Code section 422.55, or Government Code section 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Uniform Complaint procedures shall also be used to address any complaint alleging the school's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. Except where specifically authorized by statute, a student enrolled in a public school cannot be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

The Uniform Complaint Policy may also be used to help identify and resolve noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and any failure to provide physical education instruction for at least 200 minutes every 10 days.

### ***For High Schools Only***

The Uniform Complaint Policy may also be used to resolve allegations of noncompliance with the rights of a foster youth, holes student, or a former juvenile court school student associated with waiving district-adopted local graduation requirements. E.C. section 51225.1(m)(1)

The Uniform complaint procedures will also be used to address any complaint alleging the district's failure to comply with the requirements for the development and adoption of a school safety plan, the state and/ or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, any complaint alleging retaliation against a complainant or other participant in the complaint process, and any alleged failure of the district to comply with the requirements of the Local Control Accountability Plan (LCAP). (The board is required to adopt and annually update an LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/ or review of the LCAP).

Complaints alleging retaliation, unlawful discrimination, harassment, intimidation or bullying must be filed within six months from the date the behavior occurred or the date the complainant first obtained knowledge of the facts of the alleged retaliation, discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reason for the extension.

- a. Complaints made under this procedure shall be directed to the Administrator, Division of Human Resources (for complaints regarding discrimination and employment), or the Assistant Superintendent, Educational Services (for all other complaints under this procedure), Kern County Superintendent of Schools Office, 1300 17th Street, Bakersfield, CA 93301, (661) 636-4784 or 636-4825. The complaint review shall be completed in 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension. A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
- b. A complete copy of the school's complaint procedures has been attached to this document, or you may contact the Assistant Superintendent listed above for a copy free of charge.
- c. In addition to this procedure you have the right to appeal the decision to the California Department of Education by filing a written appeal within 15 days of receiving the decision. The appeal must include a copy of the complaint filed with the district and a copy of the decision.
- d. In addition to this procedure, you may wish to:
  - (1) Direct a complaint to other appropriate agencies for investigation.

- (2) Pursue civil law remedies available under state or federal discrimination laws, if applicable, including but not limited to injunctions, restraining orders, and other orders. In appropriate cases, and action taken on a written complaint of discrimination may be appealed to the California Department of Education pursuant to Education Code section 262.3.

Complaints related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments, and the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit exam by the end of grade 12 shall be investigated pursuant to the school's separate "Williams Uniform Complaint Procedure," also attached to this document.

#### **46. Complaints Regarding Discrimination and the Education of Students with Disabilities**

Kern County Superintendent of Schools is committed to equal opportunity for all individuals in education. Our district programs, activities, and practice shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

You have certain rights under the law, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA, formerly known as EHA), and 34 CFR 104.8 and 34 CFR 106.9. 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. [E.C. §§ 260, et seq., above cited federal statutes]

If you wish further details in this regard, or wish to file a complaint, please contact the superintendent or other appropriate agency.

#### **47. Student Sexual Harassment [E.C. section 231.5; 5 CCR section 4917]**

Students in Grades 4 through 12 maybe be suspended or expelled for engaging in sexual harassment. The Board of Trustees prohibits sexual harassment in the educational environment by any person in any form. Sexual harassment is in violation of federal and state laws, including Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1982.

Within the educational environment sexual harassment is prohibited between students, employees, and students, and supervisors and students. Repeated or unwarranted verbal or physical sexual advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the educational environment which are offensive or objectionable to the student or which cause the student discomfort or humiliation, or which interfere with the student's performance, are prohibited. Action will be taken when necessary to eliminate such practices or remedy their effects.

Students who engage in such harassment may be subject to disciplinary action up to and including expulsion (Education Code §§ 212.5; 230; 48900.2). The principal or designee shall discuss the district's sexual harassment policy with his/her students and employees and assure them that they are not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment. The principal or designee shall provide staff in-service or student instruction and counseling as needed. (Title VIII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972)

Students and staff are encouraged to immediately report incidents of sexual harassment to the principal or designee. The principal or designee shall promptly investigate each complaint of sexual harassment in a way that ensures the privacy of all parties concerned. In no case shall the student be required to resolve the complaint directly with the offending person.

#### **48. Safe Place to Learn Act**

Kern County Superintendent of Schools is committed to providing a safe school environment that allows all students equal access and opportunities in KCSOS' academic and other educational support programs, services, facilities, and activities. Kern County Superintendent of Schools prohibits, at any school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or

mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Students who engage in discrimination, harassment, intimidation, bullying, or retaliation will be disciplined. For a copy of Kern County Superintendent of Schools' anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies or to file a complaint of a violation of these policies using the Uniform Complaint Procedures form, please contact Kern County Superintendent of Schools' Coordinator for Nondiscrimination as the Administrator, Division of Human Resources (661) 636-4000.

Each student is permitted to participate in sex-segregated school programs and activities and access facilities consistent with his/her gender identity, irrespective of the gender listed on the student's records. To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students, Kern County Superintendent of Schools will address each situation on a case-by-case basis in accordance with law and Board Policy. If any student believes his/her privacy or religious beliefs and/or practices requires increased privacy, he/she may contact the districts Coordinator for Nondiscrimination as the Administrator, Division of Human Resources (661) 636-4000. Each such situation will be addressed on a case-by-case basis and in accordance with the law and Board Policy.

[E.C. sections 220, 221.5, and 234.1]

#### **49. Hazing**

The existing prohibitions against hazing have been strengthened. See our Discipline Policy. A comprehensive discussion of the rules and offenses related to student discipline can be obtained at the district office. [E.C. § 48915]

### **MISCELLANEOUS**

#### **50. Local Control and Accountability Plan (E.C. sections 52060-52077)**

The district is required to adopt a three-year Local Control and Accountability Plan (LCAP) and to update the LCAP on or before July 1 of each subsequent year. The LCAP is required to identify annual goals, and specific actions geared toward implementing those goals, and must measure progress for student subgroups across multiple performance indicators based on ten priorities set by the state. The priorities must be aligned to the district's spending plan. The LCAP must be approved before the annual district budget can be adopted. The following are the ten state priorities:

1. Providing all students access to fully credentialed teachers, instructional materials that align with state standards, and safe facilities
2. Implementation of and student access to state academic content and performance standards
3. Parent involvement and participation
4. Improving student achievement and outcomes along multiple measures
5. Supporting student engagement
6. Highlighting school climate and connectedness
7. Ensuring all students have access to classes that prepare them for college and careers
8. Measuring other important student outcomes related to required areas of study
9. Foster Youth
10. Expelled Youth

The board of education is required to establish a parent advisory committee (PAC) and English Learner Advisory Committee (ELAC) to provide advice to the board of education and the superintendent regarding the LCAP. (ELACs are required if enrollment in the district includes at least 15% English learners and the district enrolls at least 50 pupils who are English learners. Districts are not required to establish a new ELAC if an English learner parent committee has already been established). PACs must include parents or legal guardians of low income students, English learner students, and foster youth.

Each district is required to consult with its teachers, principals, administrators, other school personnel, local bargaining units, parents and pupils in developing the LCAP. As part of this consultation process, districts must

present their proposed plans to the PAC and ELAC. The advisory committees can review and comment on the proposed plan. Districts must respond in writing to the comments of the PAC and ELAC. Districts are also required to notify members of the public that they may submit comments regarding the specific actions and expenditures proposed in the LCAP.

Districts must hold at least two public hearings to discuss and adopt (or update) their LCAPs. The district must first hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan and then adopt (or officially update) the LCAP at a subsequent hearing.

Districts are required to post the LCAP approved by the state board of education, and any updates or revisions to the LCAP, on the district's website, and establish policies for filing a complaint of noncompliance under E.C. section 52075 using the uniform complaint procedures. Information regarding the requirements for the LCAP and the complaint process must be provided to pupils, parents/guardians, and employees on an annual basis.

## **51. College Admission Requirements (High School Only)**

The University of California (UC) and the California State University (CSU) have established common high school course requirements for undergraduate admission. Students who take these courses and meet other specified criteria are eligible to apply and be considered for admission. The following list is commonly referred to as the "a- g" requirements:

- (a) History / Social Science – Two years, including one year of world history, cultures, and historical geography and one year of U.S. history or one-half year of U.S. history and one-half year of civics or American government.
- (b) English – Four years of college preparatory English that include frequent and regular writing, and reading of classic and modern literature.
- (c) Mathematics – Three years of college preparatory mathematics that include the topics covered in elementary and advanced algebra and two- and three-dimensional geometry.
- (d) Laboratory Science – Two years of laboratory science providing fundamental knowledge in at least two of these three disciplines: biology, chemistry, and physics.
- (e) Language Other Than English – Two years of the same language other than English.
- (f) Visual & Performing Arts – One year, including dance, drama/theater, music, or visual art.
- (g) College Preparatory Elective – One year (two semesters), chosen from additional "a-f" courses beyond those used to satisfy the requirements above, or courses that have been approved solely for use as "g" electives.

To gain admission to college, students must also take and submit scores from either the Scholastic aptitude Test (SAT) or the American College Test (ACT). Your child's high school counseling office can provide the testing dates and locations.

Websites: The following UC and CSU websites help students and their families learn about college admission requirements, and also list high school courses that have been certified for undergraduate admission:

UC: [www.ucop.edu/a-gGuide/ag/a-g/a-g\\_reqs.html](http://www.ucop.edu/a-gGuide/ag/a-g/a-g_reqs.html)

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

## **52. Career Technical Education**

The California Department of Education defines "career technical education" as a program of study that involves a multi-year sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to post-secondary education and careers. Career technical education includes agriculture education, home economics, industrial and technology education, and regional occupational centers and programs, among other educational programs.

Students can learn more about career technical education at the following California Department of Education website: [www.cde.ca.gov/ci/ct/](http://www.cde.ca.gov/ci/ct/)

### 53. Internet Access and Use Policy

Electronic information services (Internet) are now available to students and teachers at many of the school sites. KCSOS believes in the educational value of such electronic services and recognizes their potential to support our curriculum. Our goals in providing these services are to promote educational excellence by facilitating research, innovation and communication. Student access at school will be for educational purposes and under staff supervision.

At some school sites students will be asked to sign, with their parents, a *code of conduct*. If the student and his or her parent or guardian agrees to follow this *code*, your child will be issued a network account and password. If you DO NOT agree to the *code of conduct*, KCSOS will not issue a network account and password to your child. A full copy of this policy/code will be sent to you for review and signature where it is required because of the nature of the internet access and use.

KCSOS provides Internet connections for many students during the educational day, and those internet connections are filtered using a software program or programs designed to eliminate access to visual depictions that are obscene, child pornography, or harmful to minors. While the filters are designed to prevent connections to such material, new websites and material are added to the internet every day and KCSOS is unable to ensure that each and every inappropriate website or all such material will be blocked.

KCSOS provides technology to students in many educational programs, including computers or electronic devices such as tablets or iPads or similar devices, and also provides Internet access as required for an educational program. Student use of such technology is subject to an Acceptable Use Policy and Agreement which describes acceptable and unacceptable uses of both the Internet connections and the computers or devices. Acceptable uses include communications between teachers and students about class assignments and other classroom topics, and between students on cooperative or collaborative learning projects. During that communication, which may include the use of social media (such as a district sponsored Facebook page or similar types of social media), personally identifiable information may be shared by your student with other students and the teacher. KCSOS prohibits disclosure of such information outside the classroom assignment/environment but cannot ensure that recipients of the information will comply with the restrictions. Unauthorized disclosures may lead to disciplinary action. If you do not want your student to be subjected to the risk of unauthorized disclosure of personally identifiable information that is disclosed by your student in these classroom assignments/environment, you will have an opportunity to so declare when required to read and agree to the Acceptable Use Policy and Agreement for your student. Refusal to sign the Acceptable Use Policy and Agreement will prevent your student's participation in such educational programs and may require transfer of your student to a technology-free classroom or environment.

KCSOS does not intend to subject students to any advertising and will take steps to prevent advertising that targets students based on the advertiser's use of personally identifiable information. However, due to financial constraints under which KCSOS is otherwise unable to provide the product or service which the advertising accompanies or to which it is attached, KCSOS may be required to permit some advertising that is not targeted at individual students. Any such product or service will have been found by KCSOS to be an integral component of pupil education. Parents/guardians of students in these programs may request that their student not be exposed to this advertising and KCSOS will comply. This means your student will not participate in the educational program but will be required to obtain the educational benefit via a different method if the district is unable to block or otherwise avoid the advertising presented to your student.

KCSOS is using or contemplates using third-party vendors of data/storage management products and services and educational software products and services from third-party vendors, including cloud-based services. Those products and services will include legally required contractual provisions, including requirements to maintain the confidentiality of pupil information and also including parental right to review pupil records and correct erroneous information.

### 54. Teacher Qualifications

Federal law requires that the district tell you about your rights to request information about the professional qualifications of your student's teacher(s). The same right extends to information about any paraprofessional assigned to work with your student.

You are entitled to ask for the following information:



- Whether the teacher has met state credential or license criteria appropriate to the grade level and subject matter in the class.
- Whether the teacher serves under an emergency permit or other provisional authorization.
- The baccalaureate degree, college major, and any other graduate certification or degree held by the teacher.
- Whether your student is provided services by a paraprofessional, and if so, that person's qualifications.

To submit a request for information about the qualifications of your student's teacher(s) or paraprofessional(s), please contact your student's school,

#### **55. Notification in Other Languages**

Districts may wish to give, or be required to give this notification and attachments in other languages. Section 48985 of Education Code provides: "When 15 percent or more of the pupils enrolled in a public school that provides instruction in Kindergarten or any grades 1 through 12 speak a single primary language other than English, as determined from the census data submitted to the Department of Education pursuant to Section 52164 in the preceding year, all notices, reports, statements or records sent to the parent or guardian of any such pupil by the school or school district shall, in addition to being written in English, be written in such primary language, and may be responded to in either English or the primary language."

#### **56. Sex Offender Information: "Megan's Law" (Penal Code § 290.4)**

The California Department of Justice operates an internet website which lists designated registered sex offenders in California. The district does not disseminate this information, but you may visit [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) to learn more and find helpful information for you and your family.

#### **57. English Learners/Available Language Acquisition Programs E.C. section 310(b)(2)**

If your child is an English learner, her/she may be offered English language development instruction targeted to their English proficiency level and designed to ensure English acquisition as rapidly and effectively as possible. Such programs are designed to be aligned with the state content standards and curriculum framework. They are based on sound instructional theory, use standard-aligned instructional materials, and will assist students in accessing the full educational program. A teacher who is assigned to provide either English language development, specially designed academic instruction in English, and/or primary language instruction to English learners, must hold an appropriate authorization from California Teaching Commission. The district's language acquisition programs for grades K-3 comply with class size requirements.

#### **58. Waiver for Local Graduation Requirements – Foster Youth, Homeless Youth and Former Juvenile Court School Pupils (E.C. section 51225.1)**

A foster youth, homeless student, or a former juvenile court school student who transfers into the district any time after completing his/her second year of high school shall be required to complete all graduation requirements specified by the state Legislature in Education Code section 51225.3, but shall be exempt from any additional district-adopted local graduation requirements, unless the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school. Within 30 days of the transfer, any such student shall be notified of the availability of the exemption and where he/she qualifies for it. Additionally, such a student may, if he or she wishes, stay in high school for a fifth year in order to complete any district-adopted local graduation requirements.

#### **59. Further Information is Available**

Further information regarding our district schools, programs, policies and procedures is available to any interested person upon request to the Division Administrator of Special Education, Division Administrator of Instructional Services, Division Administrator of Student Services, or the Director of Valley Oaks Charter School. [E.C. § 48209.13, FERPA, 34 CFR § 99.7(b)]

## **Type 2 Diabetes Information**

Pursuant to California Education Code Section 49452.7, this type 2 diabetes information is for local educational agencies to provide to parents and guardians of incoming seventh grade students beginning July 1, 2010.

The California Department of Education developed this type 2 diabetes information in collaboration with the California Department of Public Health, American Diabetes Association, California School Nurses Organization, and Children's Hospital of Orange County. Also see available translations of this information.

### **Description**

**Type 2 diabetes is the most common form of diabetes in adults.**

- Until a few years ago, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens.
- According to the U.S. Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in his or her lifetime.

**Type 2 diabetes affects the way the body is able to use sugar (glucose) for energy.**

- The body turns the carbohydrates in food into glucose, the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood to the cells.
- In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise.
- Over time, glucose reaches dangerously high levels in the blood, which is called hyperglycemia.
- Hyperglycemia can lead to health problems like heart disease, blindness, and kidney failure.

### **Risk Factors Associated with Type 2 Diabetes**

**It is recommended that students displaying or possibly experiencing the risk factors and warning signs associated with type 2 diabetes be screened (tested) for the disease.**

#### **Risk Factors**

Researchers do not completely understand why some people develop type 2 diabetes and others do not; however, the following risk factors are associated with an increased risk of type 2 diabetes in children:

- **Being overweight.** The single greatest risk factor for type 2 diabetes in children is excess weight. In the U.S., almost one out of every five children is overweight. The chances are more than double that an overweight child will develop diabetes.
- **Family history of diabetes.** Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.
- **Inactivity.** Being inactive further reduces the body's ability to respond to insulin.
- **Specific racial/ethnic groups.** Native Americans, African Americans, HispaniCS/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.
- **Puberty.** Young people in puberty are more likely to develop type 2 diabetes than younger children, probably because of normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and physical development.

### **Warning Signs and Symptoms Associated with Type 2 Diabetes**

Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance or type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes.

- Increased hunger, even after eating
- unexplained weight loss
- Increased thirst, dry mouth, and frequent urination
- Feeling very tired

- Blurred vision
- Slow healing of sores or cuts
- Dark velvety or ridged patches of skin, especially on the back of the neck or under the arms
- Irregular periods, no periods, and/or excess facial and body hair growth in girls
- High blood pressure or abnormal blood fats levels

### **Type 2 Diabetes Prevention Methods and Treatments**

Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal weight and normal blood glucose levels.

- **Eat healthy foods.** Make wise food choices. Eat foods low in fat and calories.
- **Get more physical activity.** Increase physical activity to at least 60 minutes every day.
- **Take medication.** If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.

The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can also request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (a condition which may lead to type 2 diabetes).

### **Types of Diabetes Screening Tests That Are Available**

- **Glycated hemoglobin (A1C) test.** A blood test measures the average blood sugar level over two to three months. An A 1 C level of 6.5 percent or higher on two separate tests indicates diabetes.
- **Random (non-fasting) blood sugar test.** A blood sample is taken at a random time. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes. This test must be confirmed with a fasting blood glucose test.
- **Fasting blood sugar test.** A blood sample is taken after an overnight fast. A fasting blood sugar level less than 100 *mg/dL* is normal. A level of 100 to 125 mg/dL is considered pre- diabetes. A level of 126 mg/dL or higher on two separate tests indicates diabetes.
- **Oral glucose tolerance test.** A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

Type 2 diabetes in children is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Contact your student's school nurse, school administrator, or health care provider if you have questions.

### **References**

[American Diabetes Association Clinical Journal](#) (Outside Source)

[Helping Children with Diabetes Succeed: A Guide for School Personnel](#) (PDF; Outside Source)

[KidsHealth](#) (Outside Source) [Mayo Clinic](#) (Outside Source)

[National Library of Medicine \(NLM\) and National Institutes of Health's \(NtH\) MedLine](#) (Outside Source)

[US Centers for Disease Control and Prevention](#) (Outside Source)



## **COMMUNITY RELATIONS**

### **VISITS TO THE SCHOOLS**

Parents/guardians are encouraged to visit their child's classroom, view the educational program, attend open house activities, and attend other special events. Interested members of the public, such as the media and others, may visit as may be appropriate. In all cases, visitation shall be conducted so as to minimize classroom disruptions and avoid impairing the teaching process.

1. If a Kern County Superintendent of Schools Office educational program is located at a facility operated by another local educational agency, such as a school district, the procedures established by that school district for facilitating classroom visits shall be followed to the extent practicable. The Kern County Superintendent of Schools Office division administrator, or his/her designee, may establish additional procedures as may be necessary.

If a Kern County Superintendent of Schools Office educational program is located at a facility operated by the office, the division administrator, or his/her designee, shall develop procedures to facilitate classroom visitation.

If a Kern County Superintendent of Schools Office educational program is located at a facility jointly operated by the office and a non-educational agency, such as the County Probation Department or Mental Health, the procedures established by that agency shall be followed to the extent practicable. The division administrator, or his/her designee, may establish additional procedures as may be necessary. Alternatively, the division administrator, or his/her designee, and the agency may jointly prescribe classroom visitation procedures.

2. Classroom visitation procedures developed by the Kern County Superintendent of Schools Office shall include the following components to the extent practicable:
  - a. Parents/guardians shall be given written notification of the visitation procedures;
  - b. Visits during school hours will be arranged with either the teacher or principal;
  - c. If a conference is desired, an appointment will be set with the teacher during non-instructional time;
  - d. All visitors, including parents, are required to register immediately upon entering school grounds during school hours;
  - e. For purposes of school safety and security, the principal or designee may design a visible means of identification for visitors while on school premises;
  - f. No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal's permission;
  - g. No weapons or dangerous objects may be brought on to school grounds without the advance written permission of the principal, except in the case of law enforcement personnel;
  - h. In accordance with Penal Code section 626.4, consent to remain on campus may be withdrawn whenever there is reasonable cause to believe that a person has or may willfully disrupt the orderly operation of the campus;
  - i. In accordance with Penal Code section 626.81, a registered sex offender may not enter upon school grounds;

- j. In accordance with Penal Code section 626.85, no person may enter upon school grounds without advance written permission who, within the immediate preceding three years, has a felony or misdemeanor conviction of either: (1) unlawful sale, or possession for sale, of any controlled substance; or (2) unlawful use, possession, or being under the influence of any controlled substance where that conviction was based on conduct which occurred, wholly or partly, in any school building or upon any school ground, or adjacent street, sidewalk, or public way;
  - k. Entry upon school grounds will be denied whenever there is reason to believe that a visitor's presence may disrupt the school, its students, its teachers, or its other employees; would result in damage to property; or would result in the distribution or use of unlawful or controlled substances.
3. Law enforcement may be contacted when a criminal provision of the Education Code or the Penal Code, relating to school visitation has been violated and, if necessary, to maintain the safety and integrity of the school environment. The following information is provided to facilitate this practice:
- a. Penal Code section 627.1 requires that visitors register upon entering school grounds and a violation is a misdemeanor;
  - b. Education Code section 44810 precludes persons from willfully interfering with the discipline, good order, lawful conduct or administration of a school class or activity, and a violation is a misdemeanor;
  - c. Education Code section 44811 precludes persons from materially disrupting school class work or extracurricular activities, and a violation is a misdemeanor;
  - d. Education Code section 51512 precludes persons from using any electronic listening or recording devices in any classroom without the prior consent of the teacher and the principal, and a violation is a misdemeanor;
  - e. Penal Code section 626.4 precludes persons from re-entering a school if consent to visit has been withdrawn;
  - f. Penal Code section 626.6 precludes persons from remaining at a school or re-entering a school if he/she has been directed to leave because it appears that such person has committed an act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act;
  - g. Penal Code section 627.7 makes it a misdemeanor to be on school grounds after having been requested to leave, without having registered, after having been denied registration, or after having registration revoked;
  - h. Penal Code section 626.9 makes possession of a firearm illegal in an area in, or on the grounds of, a school or within a distance of 1,000 feet from the grounds of a school, except in the case of law enforcement personnel;
  - i. Penal Code section 626.10 makes illegal possession of any dirk, dagger, ice pick, knife having a blade longer than 2 ½ inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser, or a stun gun, any instrument that expels a metallic projectile such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun, upon the grounds of, or within a school, except in the case of law enforcement personnel;
  - j. Penal Code section 262.81 precludes a registered sex offender from entering into any school building or upon any school ground without lawful business without written permission from the division administrator or his/her designee;

- k. Penal Code section 262.85 precludes a “specified drug offender” from entering into any school building or upon any school ground unless they had a child attend school at the site and written permission from the division administrator or his/her designee;
  - l. Penal Code section 653(b) prohibits loitering on or near school grounds after having been directed to leave.
4. The notice, review and fair hearing requirements set forth in Penal Code sections 626.4, 626.6, 626.7 627.5 shall be complied with as may be applicable.
5. Legal counsel may be consulted whenever a particular individual or circumstance becomes problematic.

*Legal References:*

EDUCATION CODE

- 32210 - Willful disturbance of public school or meeting*
- 32211 - Threatened disruption or interference with classes; misdemeanor*
- 32212 - Classroom interruptions*
- 35160 - Authority of governing boards*
- 35292 - Visits to schools (board members)*
- 51512 - Prohibited use of electronic listening or recording device*

PENAL CODE

- 626-626.85 - Schools*
- 627-627.10 - Access to school premises*
- 653(b) - Loitering about school grounds or public places*

WELFARE AND INSTITUTIONS CODE

- 729 - Battery on School Property/Restitution*

## PERSONNEL

### **UNIFORM COMPLAINT POLICY AND PROCEDURES**

The Kern County Superintendent of Schools Office recognizes that it has the primary responsibility of ensuring that the office complies with applicable state and federal laws and regulations governing the educational programs that it operates. The office shall investigate complaints alleging failure to comply with such laws and regulations and/or alleging unlawful discrimination, harassment, intimidation or bullying and shall seek to resolve those complaints in accordance with the procedures set out in Sections 4600-4687 of Title 5 of the California Code of Regulations and in accordance with the policies and procedures of the office.

Discrimination Complaints. The office shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation or bullying in programs and activities of the office based on any characteristic identified under Education Code Section 200 or 220, Penal Code Section 422.55, or Government Code Section 11135, including actual or perceived characteristics of age, sex, sexual orientation, gender, ethnicity, gender identity, gender expression, ethnic group identification, race, ancestry, nationality, national origin, religion, color, marital or parental status, genetic information, or mental or physical disability, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity that receives or benefits from state financial assistance.

Program, Student Fee, and LCAP Complaints. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with the prohibition against requiring students to pay fees, deposits or other charges for participation in educational activities, failure to comply with the legal requirements pertaining to the Local Control Accountability Plan (LCAP), the requirements for adoption of a school safety plan, or the failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, childcare and development programs, child nutrition programs, and special education programs.

Williams Complaints. Complaints related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments, and deficiency in the office's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination, shall be investigated pursuant to this office's separate "Williams Uniform Complaint Procedure."

Retaliation Prohibited. The office prohibits retaliation in any form for participating in complaint procedures, including, but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

### **COMPLIANCE OFFICER**

The office designates the following compliance officers to receive and investigate complaints and ensure compliance with the law:

Chief Human Resources Officer  
**(Complaints relating to discrimination in employment)**  
Kern County Superintendent of Schools Office  
1300 17th Street - CITY CENTRE, Bakersfield, CA 93301-4533  
Telephone: (661) 636-4673 • FAX: (661) 636-4043

Associate Superintendent  
**(All other complaints under this policy)**  
Kern County Superintendent of Schools Office  
1300 17th Street - CITY CENTRE, Bakersfield, CA 93301-4533  
Telephone: (661) 636-4680 • FAX: (661) 636-4127

The associate superintendent may delegate the investigation of any complaint received to a division administrator. The office shall ensure that employees designated to receive and investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel, as determined by the Superintendent or designee.

## **NOTIFICATION**

The Superintendent or designee shall annually provide written notification of the office's uniform complaint procedures to students, employees, parents/guardians, school advisory committees, appropriate private school officials or representatives, and other interested parties as required by law. The Superintendent or designee shall make available copies of the office's uniform complaint procedures free of charge.

## **FILING OF COMPLAINT**

The following procedures shall be used to address complaints, which allege that the office has violated federal or state laws or regulations governing educational programs that it operates. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Title 5, California Code of Regulations, Sections 4631 and 4633.

An individual, public agency or organization may file a written complaint of an alleged noncompliance by the office with the appropriate compliance officer named above. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, the office staff shall assist him/her in filing the complaint. (Title 5, California Code of Regulations, Section 4600)

Complaints involving unlawful discrimination, harassment, intimidation, or bullying may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying, or by a person who believes that an individual or any specific class of individuals has been subjected to the above. The complaint must be initiated no later than six (6) months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (Title 5, California Code of Regulations, Section 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges or noncompliance with the legal requirements pertaining to the LCAP, may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code Section 49013)

All parties involved in allegations in a complaint shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

## **MEDIATION**

The office recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try to resolve their problem through mediation, the Superintendent or designee may initiate mediation.

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process. Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process is adopted and does not resolve the problem within the parameters of law, the compliance officer shall proceed with the investigation of the complaint.

If utilized, the use of mediation shall not extend the office's timelines for investigating and resolving the complaint unless the complainant agrees, in writing, to such an extension of time. Notwithstanding the use of mediation,

all complaints alleging discrimination against a member of a protected group shall be promptly and thoroughly investigated as required by law.

## **INVESTIGATION OF COMPLAINT**

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation or bullying, the office may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

Within ten (10) calendar days of receiving the complaint, the complainant and/or the complainant's representative and the office's representative shall also have an opportunity to present the complaint and evidence or information leading to evidence which supports the allegations in the complaint. (Title 5, California Code of Regulations, Section 4631)

A complainant's refusal to provide the office investigator with documents or other evidence related to the allegations in the complaint, or the complainant's failure or refusal to cooperate in the investigation or the complainant's engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

The office's failure to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on the evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

## **WRITTEN DECISION**

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the office's investigation and decision, unless this time period is extended by written agreement with the complainant.

The report shall include:

1. The findings of fact based on the evidence gathered. (Title 5, California Code of Regulations, Section 4631)
2. The conclusion(s) of law. (Title 5, California Code of Regulations, Section 4631)
3. The disposition of the complaint. (Title 5, California Code of Regulations, Section 4631)
4. The rationale for the disposition of the complaint. (Title 5 California Code of Regulations, Section 4631)
5. Corrective actions, if any are warranted. (Title 5, California Code of Regulations, Section 4631)
6. Notice of the complainant's right to appeal the decision within fifteen (15) days to the California Department of Education or to the State Superintendent of Public Instruction for complaints alleging noncompliance with the legal requirements pertaining to the LCAP, and procedures to be followed for initiating such an appeal. (Title 5, California Code of Regulations, Sections 4631, 4652)
7. For complaints alleging discrimination, harassment, intimidation or bullying, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. (Title 5, California Code of Regulations, Section 4631, Education Code Section 262.3)

The written decision shall be in English and in the primary language of the complainant if required by law.

If an employee or student is disciplined as a result of the complaint, the report shall simply state that effective action was taken and that the employee or student was informed of the office's expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits and other charges is found to have merit, the office shall provide a remedy to all affected students and parents/guardians which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code section 49013) If a complaint

alleging noncompliance with the legal requirements pertaining to the LCAP is found to have merit, the office shall provide a remedy to all affected students and parents/guardians. (Education Code section 52075)

## **APPEAL TO THE SUPERINTENDENT**

If a complainant is dissatisfied with the compliance officer's decision, the complainant may, within five (5) days of receipt of the decision, appeal the decision to the Superintendent. If the Superintendent decides not to hear the appeal, or if the 60-day time period within which a decision on the complaint must be made will expire before the Superintendent can hear or decide the matter and the parties have not agreed to an extension of time, then the compliance officer's decision shall be the office's final written decision. If the Superintendent decides to hear the appeal, the Superintendent's decision shall be the office's final written decision on the complaint, and the compliance officer shall send the Superintendent's decision on the appeal to the complainant within sixty (60) days of the office's initial receipt of the complaint or within an extended time period agreed to in writing by the complainant.

Notwithstanding these procedures, the complainant and the office may meet at any time to consider resolution of the issues presented in the complaint.

## **APPEAL TO THE CALIFORNIA DEPARTMENT OF EDUCATION**

If dissatisfied with the office's final written decision, the complainant may appeal, in writing, to the California Department of Education or to the State Superintendent of Public Instruction for complaints alleging noncompliance with the legal requirements pertaining to the LCAP within fifteen (15) days of receiving the office's final written decision.

When appealing to the California Department of Education, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the decision by the office. (Title 5, California Code of Regulations, Section 4632)

Upon notification by the California Department of Education that the complainant has appealed the decision of office, the Superintendent or designee shall forward the following documents to the California Department of Education:

1. A copy of the original complaint.
2. A copy of the decision by the office.
3. A summary of the nature and extent of the investigation conducted by the office, if not covered by the decision.
4. A copy of the investigation file, including, but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of the office complaint procedures.
7. Other relevant information requested by the California Department of Education.

The California Department of Education may directly intervene in the complaint without waiting for action by the office when one of the conditions listed in Title 5, California Code of Regulations, Section 4650, exists. In addition, the California Department of Education may also intervene in those cases where the office has not taken action within sixty (60) calendar days of the date the complaint was filed with the office compliance officer.

## **CIVIL LAW REMEDIES**

A complainant may pursue available civil law remedies outside of the office's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation and bullying based on state law, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief or to discrimination complaints based on federal law and is applicable only if the office has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5, California Code of Regulations, Section 4622.

Policy revised: June 17, 2014

SP 4100



Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination  
310b2 English Learner Language Acquisition Programs  
8200-8498 Childcare and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32289 School safety plan, uniform complaint  
procedure 35186 Alternative uniform complaint  
procedure  
37254 Intensive instruction and services for student who have not passed exit  
exam 41500-41513 Categorical education block grants  
49010-49013 Student fees  
48929 Involuntary transfer of a Student Convicted of Violent Felony or Misdemeanor  
48985 Notices in language other than English 49060-  
49079 Student records  
4519490-49590 Child nutrition programs  
51225.1 Noncompliance with rights of foster youth, homeless student or  
former juvenile court school student  
52075 Complaints for lack of compliance  
52160-52178 Bilingual education  
programs 52300-52490 Career technical  
education 52500-52616.24 Adult  
schools  
52800-52870 School-based coordinated programs  
54000-54028 Economic impact aid programs 54100-  
54145 Miller-Unruh Basic Reading Act 54400-54425  
Compensatory education programs 54440-54445  
Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers 64000-  
64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by State 12900-  
12996 Fair Employment and Housing Act

CALIFORNIA CODE OF REGULATIONS, TITLE 5

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20

6301-6577 Title I Basic Programs  
6601-6777 Title II Preparing and Recruiting High Quality Teachers and Principals  
6801-6871 Title III, Language instruction for limited English proficient and immigrant students 7101-  
7184 Safe and Drug-Free Schools and Communities Act, including  
7201-7283g Title V Promoting Informed Parental Choice and Innovative  
Programs 7301- 7372 Title V Rural and Low-Income School Programs

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**EXHIBIT TO WILLIAMS UNIFORM COMPLAINT POLICY AND PROCEDURES**

**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE**

Pursuant to Education Code section 35186, this form is to be used for complaints concerning educational programs operated by the Kern County Superintendent of Schools regarding deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law.

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? \_\_\_ Yes \_\_\_ No

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

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

Phone Number: Day: \_ Evening: \_

Location of the problem that is the subject of this complaint: \_\_\_\_\_

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

Course/title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials:
  - \_\_\_ A pupil, including an English learner, lacks standards-aligned textbooks or instructional materials or district- or state-adopted textbooks or other required instructional materials to use in class.
  - \_\_\_ A pupil does not have access to instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
  - \_\_\_ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - \_\_\_ A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
  
2. Teacher vacancy or misassignment:
  - \_\_\_ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
  - \_\_\_ A teacher lacks credentials or training to teach English learners or is assigned to teach a class with more than 20% English learners in the class.
  - \_\_\_ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions:

\_\_\_ A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in the Kern County Superintendent of Schools Williams Uniform Complaint Policy and Procedures. Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestations; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition, and any other condition deemed appropriate by the County Superintendent. (Education Code section 17592.72)

\_\_\_ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

\_\_\_ The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

4. High school exit exam intensive instruction and services:

\_\_\_ Pupils who have not passed the high school exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code section 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail, including the date of the problem and specific location where the problem occurred (school, room number). For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff. You may attach additional pages if necessary to fully describe the situation:

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Please file this complaint with the person specified below at the following location:

\_\_\_\_\_  
(Principal or title of his/her designee)

\_\_\_\_\_  
(Address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

## **Schools Billing Medi-Cal**

Information and Answers for Families

### **Why are schools billing Medi-Cal?**

The Individuals with Disabilities Education Act (IDEA) allows for special education and/or related services under a child's Individualized Education Program (IEP) to be paid for (covered) by Medi-Cal. The reason that a school district or public agency can bill Medi-Cal is because the financial responsibility of the Medi-Cal Health Care Program for special education and/or related services to your child precedes the financial responsibility of school districts in regard to the provision of some of those services. Schools optimize the use of their financial resources by billing Medi-Cal when possible for a child's special education and/or related services.

### **This will NOT impact your child's Medi-Cal benefits**

Schools may not use or access a child's Medi-Cal benefits if it will decrease the child's available lifetime Medi-Cal benefits coverage, if it will result in the child's family paying for services that would otherwise be covered by Medi-Cal and that are required for your child outside of the time your child is in school, or will otherwise diminish the child's family's benefits under the Medi-Cal program.

School districts may not require a child's parents/guardians to incur any out-of-pocket expense such as Medi-Cal deductibles or co-pay. Also, school districts may not use a child's Medi-Cal benefits if it would lead to increased premiums or will lead to the discontinuation of Medi-Cal benefits for your child or which will risk the loss of eligibility for home and community-based waivers based upon total health-related expenditures.

### **What can schools bill Medi-Cal for?**

Schools can only bill Medi-Cal for medically related services that are outlined in your child's IEP. In general, services for which a school may bill Medi-Cal are: audiologist services, evaluation and testing, nursing services, occupational therapy, physical therapy, speech therapy, transportation, psychological services and social work services.

### **How do schools use the money they receive from Medi-Cal?**

Money that the schools receive from Medi-Cal is restricted and will be reinvested in the provision of healthcare services for students.

### **What information does the school share with Medi-Cal?**

Schools only use the child's name, the child's date of birth, and the child's gender along with the type and duration of Medi-Cal covered service. Schools must abide by very strict privacy laws when billing for Medi-Cal services. Schools only share this information with the Medi-Cal billing agency.

### **Do schools need parent or guardian consent to bill Medi-Cal?**

Yes. Schools need a parent or guardian's consent to bill Medi-Cal for these services. Schools are required by the Family Educational Rights and Privacy Act (FERPA) to obtain parent/guardian consent before disclosing personally identifiable information about a child with a disability to anyone, including Medi-Cal. Parent/Guardian consent to bill Medi-Cal for the medically related services outlined in a child's IEP helps schools offset the costs of services to children. However, a child's parent/guardian may refuse to consent to bill Medi-Cal for the child's medically related services. Additionally, you, as the child's parent/guardian can withdraw your consent to bill Medi-Cal for your child's services at any time. That withdrawal of consent will not in any way impact your child's IEP services.

### **Will my school bill my private insurance as well?**

KCSOS does not bill private insurance for a child's IEP related services.

### **If schools bill Medi-Cal, will Medi-Cal services that I receive outside of school be affected?**

No. Medi-Cal services received by a child outside of school will not be affected by a parent/ guardians' consent to bill Medi-Cal for school based services. Services provided to a child that the child receives outside of school are authorized separately and therefore, a school billing Medi-Cal for school based services will not affect services that a child receives outside of school.

### **Does this process impact the school services my child will receive?**

No. Schools are required to provide all IEP services for a child even if the school does not bill Medi-Cal for those services.