

Office of Mary C. Barlow  
Kern County Superintendent of Schools  
*Advocates for Children*

**ANNUAL NOTICE TO PARENTS/GUARDIANS  
CONCERNING THEIR RIGHTS AND RESPONSIBILITIES  
2019 - 2020**

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): 661-636-4714

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 which 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

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

## EXCUSED ABSENCES

According to law (E.C. section 48205), your child will be excused for absence when it is:

- a. Due to his or her illness.
- b. Due to quarantine under the direction of a county or city health officer.
- c. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- d. For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- e. For the purpose of jury duty in the manner provided by law.
- 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, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent/guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- h. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- i. For the purpose of spending time with a member of his/her immediate family, who is an active duty member of the uniformed services, as defined in E.C. 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.

### Obtaining Confidential Medical Services (E.C. section 46010.1)

A pupil may be excused from the school for the purpose of obtaining medical services that are private in nature and scheduled confidentially, that is, without the consent of the pupil's parent or guardian.

### Absence for Religious Purposes (E.C. section 46014)

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 certain number of minutes for that day. Such absences are limited to four days per month.

### Absence to Care for a Sick Child (E.C. section 46015)

Absence to care for a sick child is an excused absence and the school is prohibited from requiring a note from a doctor for such an absence.

### No Grade Reduction or Loss of Academic Credit (E.C. section 48205)

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.

## **SCHOOL ATTENDANCE OPTIONS**

### Enrollment in Neighborhood School (E.C. section 48980)

Generally, children may attend a school run by the district in which their parents reside. Districts usually enroll children in their neighborhood school. Their neighborhood school is the school which the district has designated to serve the area in which their family resides.

In addition, the district tries to provide options so that parents who reside in one attendance area may choose to enroll their child in a school that is designated to serve another attendance area. Further, families may choose to enroll their child at a school run by another school district all-together instead of attending a school run by their own school district.

The rules governing enrollment/attendance options are designed to not only address the diverse needs and interests of district families, but also balance enrollment in order to maximize the efficient use of district facilities. There are limitations and requirements associated with each such option and transportation assistance to and from the receiving school receiving the student is generally not provided.

Intradistrict Open Enrollment (E.C. section 35160.5(b))

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district run school instead of their neighborhood school. However, no student currently residing within a school's attendance area may be displaced by another student transferring from outside the attendance area.

Enrollment priority is given to:

Students whose neighborhood school has been classified as "persistently dangerous." (20 USC 7912; 5 CCR 11992-11993.)

Any student who is a victim of a violent crime while on school grounds. (20 USC 7912; 5 CCR 11992-11993.)

Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316.)

Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (E.C. sections 48350-48361; 5 CCR 7400-4705.)

Additional priorities are set forth in the school district's intradistrict open enrollment policy (BP/AR section 5116.1).

The district determines the number of spaces available for each grade level and/or program at each district school to which a student attending another district school may transfer. Except for priorities listed above, the school district uses a random, unbiased selection process to determine who shall be admitted whenever the school receives enrollment requests that are in excess of the school's capacity at the pertinent grade level or in the pertinent program.

The application and selection process is more fully explained in the school district's intradistrict open enrollment policy (BP/AR section 5116.1) and the Open Enrollment Act transfers policy (BP/AR section 5118).

Interdistrict Transfers (E.C. section 46600(a)(b) and section 46601)

A. Interdistrict Attendance Agreements and Permits

A student who resides in one district may transfer to and enroll at a school in another district pursuant to a permit issued under an interdistrict attendance agreement between the two school districts. Both districts must consent to the transfer. The victim of an act of bullying, committed by a pupil of the district of residence, is given priority for interdistrict attendance.

Unless the interdistrict attendance agreement expressly provides otherwise, the student does not have to reapply annually, or at all, and must be allowed to continue to attend the school in which he or she first enrolls.

Neither the sending nor receiving districts are required to consent to the transfer. There is an appeal process if an application is denied. The appeal is to the county board of education with jurisdiction over the district denying the transfer.

The application and selection process is more fully explained in the school district's interdistrict enrollment policy (BP/AR section 5117).

B. Open Enrollment Act Transfers Pursuant to an Interdistrict Attendance Agreement (E.C. sections 48350-48361; 5 CCR 7400-4705)

A student may enroll in a school outside the district under an interdistrict attendance agreement in conjunction with the Open Enrollment Act. A student in a school on California's list of 1,000 lowest achieving schools may transfer to another school with a higher API in the school district or, if none, in a nearby district. Once enrolled at a school pursuant to an interdistrict transfer, the transferring student may remain at that school unless the interdistrict attendance agreement between the two school districts expressly provides otherwise. The sending district may not deny the transfer request. The receiving district, however, may deny the transfer request. The county board of education may overrule a denial.

The application and selection process is more fully explained in the school district's Open Enrollment Act transfer policy (BP/AR section 5118).

C. School District of Choice Program (E.C. section 48300-48316)

A school district may enact the School District of Choice Program. The program allows the receiving district to enroll non-district students without the agreement of their district of residence. Under this program, priority must be given to siblings of children already in attendance and the receiving district may also give priority to children of military personnel.

Once enrolled pursuant to the School District of Choice Program, the transfer is renewed automatically unless the governing board withdraws from the program. However, the student does not have a regulatory right to stay at the same school as in the case of a Section 46600 interdistrict attendance agreement. Additionally, the district of residence may impose a statutorily-set cap on the total number of students transferring out of the district, and the district of choice is required to give certain notices to districts of residence.

If a district has not chosen to become a School District of Choice, then a parent may not choose to transfer under the provisions of the program. The process is more fully explained in the school district's interdistrict enrollment policy (BP/AR section 5117).

#### Employment-Based Residency (E.C. section 48204(b))

A school district may adopt a policy which permits non-district students to enroll, without the agreement of their district of actual residence, if the student's parent or guardian is physically employed for a minimum of at least 10 hours per week within the geographical boundaries of the school district. A district adopting such a policy is not required to enroll every such student.

Once a student has enrolled pursuant to the employment-based residency rule, the student must be allowed to continue to attend a school within the district. However, there is no regulatory requirement that the student be allowed to continue to attend any particular school as in the case of a Section 46600 interdistrict attendance agreement.

The process is more fully explained in the school district's interdistrict enrollment policy (BP/AR section 5111.12(a)).

#### Students Residing with a Care-giving Adult (E.C. section 48204(a)(5))

A student who lives in the home of a caregiving adult within the boundaries of the school district is a resident of the school district. If the caregiver provides an affidavit under penalty of perjury, pursuant to the California Family Code (commencing with Section 6550), that is a sufficient basis for determining the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the caregiver's home.

The process is more fully explained in the school district's residency policy (BP/AR section 5111.1).

#### Students Residing in a Licensed Children's Institution (E.C. section 48204(a)(1))

A student placed in a regularly established licensed children's institution, or a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code, located within the boundaries of the school district may attend a school run by the district.

The process is more fully explained in the school district's residency policy (BP/AR section 5111.1).

### Foster Youth (E.C. sections 48204(a)(2) and 48853.5)

Students who are or become “Foster” children must be permitted to continue their education at their “school of origin” through the end of the academic year and maybe longer if that placement is in their best interests. This rule applies as long as they remain “Foster” children. On the other hand, if the district’s Educational Liaison and the Foster family agree that enrollment in a “new” school is in the best interest of the “Foster” child, the new school must immediately enroll the child. Foster children must be allowed to matriculate with their peers in accordance with the established feeder patterns of the school district when transitioning to middle school or high school.

The process is more fully explained in the school district’s education for foster youth policy (BP/AR section 6173.1).

### Emancipated Youth (E.C. section 48204(a)(4)); Fam. Code section 7000 and following)

An emancipated student whose residence is located within the boundaries of a school district is considered a resident of that district and may attend the district’s schools. An emancipated student is a minor whose parent or legal guardian has been relieved of responsibility, control, and authority through an emancipation procedure in court.

The process is more fully explained in the school district’s residency policy (BP/AR section 5111.1).

### Students Residing in a State Hospital (E.C. section 48204(a)(6))

A student residing in a state hospital located within the boundaries of a school district is deemed a resident of that district.

The process is more fully explained in the school district’s residency policy (BP/AR section 5111.1).

### “Homeless” Students (42 USC 11413-114350)

A student whose parents come within the McKinney-Vento criteria for homelessness may, if they so choose, continue enrollment in the school they were attending prior to becoming homeless even if now living elsewhere in or outside of the district’s boundaries. Note that they may also choose the neighborhood school in their new district instead.

Also note that McKinney-Vento gives homeless students transportation rights. The new district and old district, together, must make transportation arrangements for the student.

The process is more fully explained in the school district’s education for homeless children policy (BP/AR section 6173).

Students Receiving Special Education Services Pursuant to an Individualized Education Program (IEP) or a 504 Plan (20 USC 1400 and following; 34 CFR 300.114-300.118)

IEP teams and the Individuals with Disabilities Education Act (IDEA), not district administrators and/or other federal/state legislation, determine the placement of IDEA eligible students. The requirements of IDEA necessitate placement where the student can receive a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). LRE tends to create a preference favoring sites in relatively close proximity to the student's home provided that the student can receive FAPE at that site.

The same is generally true of students receiving special education services pursuant to Section 504 of the Rehabilitation Act of 1973 (29 USC 794; CFR 104.33 and 104.34).

The process is more fully explained in the school district's policies on Identification and Education under Section 504 and on Individualized Education Programs (BP/AR sections 6164.6 and 6159).

Individualized Instruction (E.C. sections 48206.3 and 48980(b))

If your child has a temporary disability which prevents him/her from attending regular classes, the district will provide individual instruction when possible.

Students in Hospitals Outside of School District (E.C. sections 48206.3, 48207, 48208)

If, due to a temporary disability, your child is 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.

Alternative School or Class Group within the District

A school district may establish and maintain an "alternative" school or a separate class group within the district, pursuant to E.C. section 58500 that is designed to maximize the opportunity for students to develop the positive values of self-reliance, self-motivation, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

Charter Schools (E.C. sections 47600-47663; 5 CCR 11963)

Charter Schools are governed by the Education Code, but free of most of the code's restrictions. The two main forms of charter schools are classroom-based or non-classroom-based instruction. Non-classroom-based instruction, commonly referred to as "independent study," takes place primarily at home or outside the traditional classroom-based school setting.

### Private Schools

Children may be instructed in a private full-time day school by persons qualified to teach in the State of California (E.C. sections 33190 and 33195). Private schools are selected and paid for by the student's parents.

### Mentally Gifted Students (E.C. section 48223)

Children who are mentally gifted may be taught in a private full-time day school by persons qualified to teach in the State of California. Parents bear the costs of such schools.

### Private Tutors (E.C. section 48224)

As an alternative to a private school, children may be instructed by a private tutor, who must hold a valid state credential for the applicable grade level. Parents and tutors are selected and paid for by student's parents.

### Homeschooling

Homeschooling in California is either performed by a parent who files a private school affidavit, a parent who qualifies as a private tutor, or untrained parents who simply teach their child at home.

## **STUDENT MISCONDUCT AND DISCIPLINE**

### The Obligations of a Student While at School (5 CCR 300)

Every student must:

- Attend school punctually and regularly;
- Conform to the regulations of the school;
- Obey promptly all the directions of his teacher and others in authority;
- Observe good order and propriety of deportment;
- Be diligent in study; respectful to his/her teacher and others in authority; kind and courteous to schoolmates; and refrain entirely from the use of profane and vulgar language.

### Teachers Are Required to Hold Students to Strict Account for Misconduct (E.C. section 44807)

Every teacher must hold students to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. Teachers may exercise that amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning.

### Rules of the District Pertaining to Student Discipline (E.C. section 35291)

Student discipline is regulated by the California legislature and by board policy and procedures. The student discipline rules are detailed and exhaustive. Their purpose is to give school officials the legal authority to impose student discipline and also provide accused students with due process. The pertinent information is available either on line or hard copies can be provided.

### Prohibited Behavior (E.C. section 48900 and following)

If a student engages in prohibited behavior, in addition to other forms of corrective action, he/she may be disciplined, including in school suspension, suspension from school and expulsion from the school district, depending on the circumstances.

Prohibited behavior includes volitional conduct amounting to or related to: assault, battery, threat, alcohol, drugs including Soma, firearms, knives, explosives, other dangerous objects, drug paraphernalia, robbery, extortion, destruction of property, stealing, receiving stolen property, tobacco, obscene acts, habitual profanity, disrupting school activities, defying the valid authority of teachers, administrators, or other school personnel, possessing an imitation firearm, sexual battery, sexual assault, intimidation of student witnesses, hazing, bullying sexual harassment, hate violence, harassment, intimidation and terroristic threats.

### Classroom Correction and Non-Punitive in School Correction Preferred When Appropriate (E.C. sections 48900.5, 48900.6 and 48900.9)

Other means of correction are always preferred over in-school suspension, suspension from school, expulsion and any other form of exclusionary discipline that results in a pupil being removed from his/her regular classroom.

### Suspension from School (E.C. section 48911)

A school principal (or the principal's duly assigned designee or the Superintendent) may suspend a pupil from school for any conduct prohibited by Section 48900. The maximum duration of any single suspension is five school days.

### Expulsion from the School District (E.C. section 48918)

When appropriate, the governing board may expel a student from the school district for any conduct proscribed by the Education Code, except 48900(k) disruption/defiance. The student is entitled to a hearing and due process. If expelled, the student is to receive a Rehabilitation Plan and a copy of the procedures to apply for readmission to the district.

### Discipline of a Disabled Student Who Is Eligible for Special Education Pursuant to IDEA or Section 504 (E.C. section 48915.5 and 20 USC 1415(k))

Federal law governs the authority of school districts to suspend and expel disabled children from school. If the misconduct is a manifestation of the student's disability, after 10 days of suspension, the student must be returned to the pre-suspension placement unless his/her IEP team and parents agree otherwise. A disabled student may not be expelled for misconduct which is a manifestation of the student's disability.

### Student Searches (*New Jersey v. T.L.O.* (1985) 469 U.S. 325)

A warrant or probable cause is not necessary for searches of students by school officials and the level of suspicion to justify the search need not rise to the level of probable cause. Rather, such a search by school officials must be:

- Justified in its inception - it must be reasonable to suspect the items searched contain evidence of prohibited conduct;
- Reasonably related in scope to the circumstances which justified the search in the first place. That is, the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

### Law Enforcement Notification (E.C. section 48902)

The Education Code requires that the school principal to notify law enforcement in cases of student misbehavior involving:

- Assault with a deadly weapon or other instrument;
- Assault by means of force likely to produce serious bodily injury;
- Use, possession or sale of drugs and alcohol;
- Arranging for the sale of a substance represented to be drugs or alcohol;
- Possession of a firearm within a school zone;

- Possession of other weapons such as dirks or daggers at school; and
- Possession or furnishing of a firearm or an explosive at school.

#### Release of a Student to a Peace Officer (E.C. section 48906)

If a school official releases your student from school to a peace officer for the purpose of removing him/her from the school premises, the school official will 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.

#### Property Damage or Personal Injury - Parents Liable (E.C. section 48904(a) and Civil Code section 1714.1)

Parents are liable for property damage or personal injuries caused by their child's willful misconduct in an amount up to \$25,000.00.

#### Damaged Library Materials - Parents Liable (E.C. section 19910)

The parent or guardian of a minor who willfully and maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition is liable for all damages so caused by the minor.

#### Over Due Library Materials - Parents Liable (E.C. section 19911)

The parent or guardian of a minor who willfully and maliciously detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading room, museum, or other educational institution, for 30 days after notice in writing to return the article or property, given after the expiration of the time for which by the rules of the institution the article or property may be kept, is liable for all damages so caused by the minor.

#### Withholding Grades, Diploma, or Transcript (E.C. section 48904(b))

When your child willfully damages school property or if school property is loaned to your child and he/she refuses to return it when due, grades, diplomas and transcripts may be withheld. A voluntary work program in lieu of the payment of money may be arranged.

Attendance by Parent for a Portion of the School Day (E.C. 48900.1)

If your student willfully defies the authority of his/her teacher, disrupts classroom activity, commits an obscene act or habitually uses profanity or vulgarity, you may be required to attend school with your student for a portion of the school day.

Dress Code or Uniforms (E.C. section 35183(d))

*The Kern County Superintendent of Schools does not require uniforms.* See the school site administrator regarding policy for student dress standards.

Student Sexual Harassment (E.C. section 231.5; 5 CCR section 4917)

The Kern County Superintendent of Schools takes allegations of sexual harassment seriously. Students in grades 4 through 12 may be suspended or expelled for engaging in sexual harassment. See site administrator for policy.

Involuntary Transfer of a Student Convicted of a Violent Felony or Misdemeanor Where Victim Enrolled at Same School (E.C. section 48929)

Pursuant to board policy, 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. District policy provides that (i) the school first attempt to resolve their conflict using restorative justice or counseling, if the victim will participate; (ii) the student perpetrator be notified of his/her right to request a meeting with the school principal before the principal makes a recommendation; (iii) the Superintendent or his/her designee make a recommendation to the governing board; and (iv) 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**

Services to Disabled Pupils (E.C. section 56020 and following, 56301; 34 CFR 104.36)

If you have reason to believe that your child (ages 0 through 21 years) has a disability which requires special services or accommodations, bring this to the attention of the school office. You may request an assessment for eligibility for special education instruction or services through the school principal. Your child will be evaluated to determine whether he/she is eligible for special instruction or services.

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 rights to (1) examine relevant records, (2) have an impartial hearing with an opportunity for participation by you and your counsel, and (3) a review procedure.

Prospectus of School Curriculum (E.C. sections 49063, 49091.14)

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.

Pupil Nutrition/Notice of Free and Reduced Meal Prices (E.C. sections 49510-49520; 42 USC 1758 and 1773)

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.

Sex Equity in Course Selection and Career Counseling; Advance Notice (E.C. section 221.5)

Commencing with the 7<sup>th</sup> grade, parents must be notified in advance of Course Selection and Career Counseling. Parents may participate in such counseling along with their child. Recommendations by counselors cannot differentiate between students on the basis of the student's sex and shall affirmatively explore with each student the possibility of careers and courses leading to careers that may be considered nontraditional for that student's sex.

## HEALTH AND SAFETY SERVICES

Immunizations (E.C. sections 49403, 48216; Health and Safety Code sections 120335, 120365, 120370; 17 CCR 6020 and 6051)

Unless certain exemptions apply, your child must have proof of up-to-date immunizations before he/she can be admitted to attend school. Please contact ***the site administrator*** for information about a personal beliefs exemption or medical exemption from immunizations for your child.

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.

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.</p> <p>(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. 8<sup>th</sup>-12<sup>th</sup> grade students transferring from outside of California must meet the requirement.)</p>

### Control of Communicable Disease (E.C. section 49403)

The district cooperates with the local health office in the control and prevention of communicable disease in school-age children. If you consent in writing, the district may permit any person licensed as a physician and surgeon, or any person licensed as a registered nurse, to administer an immunizing agent to your child. You will be advised in writing before any immunization program is instituted.

### Administering Medication and Monitoring Health Conditions (E.C. sections 49414.5, 49414.7, 49423, 49423.1; 5 CCR 600-611; *American Nurses Association v. Torlakson* (2013) 57 Cal. 4th 570)

The 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 your written request 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 who 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 handling blood and other bodily fluids.

Any medication prescribed by an authorized health care provider, including an emergency anti-seizure medication for a student with epilepsy, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received a written statement from you indicating your desire for the district to assist your child in taking the medication and a written statement from your child's authorized health care provider detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken. 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, glucagon, or insulin, 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 regime for a non-episodic condition, you must inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician. Necessary medications must be provided 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 phone 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.

#### Use of Sunscreen Permitted (E.C. section 35183.5)

Students may carry and use sunscreen without a doctor's note or prescription, and may also wear sun-protective clothing.

#### Health Care Coverage Information (E.C. section 49452.9)

The district has information on health care coverage options and enrollment assistance. If interested, please contact the school office for this information.

#### Physical Examinations (E.C. section 49451; 20 USC 1232h)

Physical examinations and screenings may be conducted at various times throughout the year. If you want your child to be exempt from physical examinations at school, file a written statement signed by you 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.

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

Pupils may 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.

#### Medical and Hospital Services (E.C. section 49472)

The Kern County Superintendent of Schools provides coverage for immediate medical 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 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.

Scoliosis Screening (E.C. section 49452.5)

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 this condition, you will be notified in accordance with the law.

Sight and Hearing Test (E.C. section 49452)

The Kern County Superintendent of Schools is required to provide for testing the sight and hearing of each student enrolled in its schools unless you submit a written denial of consent.

Information for Use in Emergencies (E.C. section 49408)

For protection of your child's health and welfare, we ask that you fill out and return the enclosed Emergency Information Card.

Confidential Medical Services Without Parental Consent (E.C. section 46010.1)

According to the law, 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.

Management Plan for Asbestos-Containing Material (40 CFR 763.84, 40 CFR 763.93)

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

Pesticide Warnings (E.C. sections 17612, 48980.3)

The district has implemented an integrated pest management 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 Healthy Schools Act of 2000, the district is required to notify staff and parents of the name of all pesticide products expected to be applied at the school facility during the upcoming year. Those products are as follows: If you wish to receive notification of individual pesticide applications at the school facility, please complete the attached registration form. You will receive notification at least 72 hours prior to the application.

Information regarding pesticide information may be obtained at the California Department of Pesticide Regulation website: <http://apps.cdpr.ca.gov/schoolipm/>

#### School Safety Plans (E.C. section 32280 and following)

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

#### School Buses and Passenger Safety (E.C. section 39831.5)

This information is provided in the Kern County Superintendent of Schools Transportation Handbook.

#### Sex Offender Information: "Megan's Law" (Penal Code section 290.4)

The California Department of Justice operates a website that lists designated registered sex offenders in California. The district does not disseminate this information but you may visit <http://www.meganslaw.ca.gov> to learn more and find helpful information for you and your family.

#### Tobacco-Free Schools/No Smoking Policy (Health and Safety Code section 104420)

The district's governing board recognizes that the health hazards associated with smoking and the use of tobacco products, including breathing 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.

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 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.

#### Pupil Mental Health Services Available on Campus or in the Community (E.C. section 49429.5)

Through a partnership with local providers, school counselors, and/or qualified staff, students in the Alternative Education program or Valley Oaks Charter School may access mental health counseling services. Students whose Individualized Education Plan or 504 plan identify mental health counseling as a need, those services will be provided as prescribed in the applicable plan.

Students receiving special education services may have educational related mental health services as determined through the Individualized Education Plan.

Community Resources:

#### **Kern Behavioral Health & Recovery Services**

<https://www.kernbhrs.org/>

Access: 661-868-8080

Local Crisis Hotline: 1-800-991-5272

#### **Kern County Department of Human Services - Resource Caregiver Family Guide to Services**

[https://www.kerncounty.com/dhs/pdf/caregiver\\_resource\\_guide.pdf](https://www.kerncounty.com/dhs/pdf/caregiver_resource_guide.pdf)

#### **National Alliance on Mental Illness (NAMI)**

<https://namica.org/>

#### **California Department of Education, Mental Health**

<https://www.cde.ca.gov/ls/cg/mh/index.asp>

<https://www.cde.ca.gov/ls/cg/mh/projectcalwell.asp>

<https://www.dhcs.ca.gov/services/mh/Pages/ProgramsforChildrenandYouth.aspx>

## **PARTICULAR EDUCATION ISSUES**

#### 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)

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 written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection.

Comprehensive sexual health education or HIV prevention education may be taught by school district personnel or by outside consultants.

Contact the site administrator for more information.

You may request a copy of Education Code sections 51934-51939.

If arrangements for this instruction are made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered.

Anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex, may be administered to any pupil in grades 7 to 12, inclusive. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a written "opt-out" process. You may opt out by so advising the district in writing.

You will be notified in writing if and when such a test, questionnaire, or survey is to be administered.

You have the right to review the test, questionnaire, or survey.

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.

Health Instruction Conflicting with Religious Training and Beliefs of Parent or Guardian (E.C. section 51240)

Upon written request, a parent or guardian has the right to excuse their student from any part of a school's instruction in health that may conflict with their religious training and beliefs or personal moral convictions.

Assessments Containing Questions about a Student's Personal Beliefs or Those of His/Her Family (E.C. section 51513; 20 USC 1232h)

No test, questionnaire, survey, or examination containing any questions about a student's personal beliefs or practices in sex, family life, morality, and religion, or any questions about the pupil's parents' or guardians' beliefs and practices in sex, family life, morality, income, political affiliations and religion may be administered unless:

- The parent or guardian of the pupil is notified in writing that this test, questionnaire, survey, or examination is to be administered; and
- The parent or guardian of the pupil gives written permission for the pupil to take the test, questionnaire, survey, or examination.

Statewide Pupil Assessment Program (E.C. sections 60604 and 60615; 5 CCR 852)

The California Assessment of Student Performance and Progress (CAASPP) is a statewide assessment program that tests the degree to which pupils are achieving the academically rigorous content and performance standards, adopted by the state board, that reflect the knowledge and complex skills that student will need in order to succeed in the information-based, global economy of the 21st century.

A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of the test for the school year. Such a request will be granted.

Right to Refrain from Harmful Use of Animals (E.C. sections 32255-32255.6)

Your child may participate in a course during this year that utilizes live or dead animals or animal parts to help your child obtain knowledge, information, or experience required in the course. 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, the teacher may work with him/her to develop and agree upon an alternative education project for the purpose of providing your child an alternate avenue for obtaining the information required by the course. The school will need a signed note from you indicating your child's objection.

### Homeless Youth Education (42 U.S. 11432)

Homeless students and their parents have various rights regarding public education. Information on this subject is explained in the school district's Education for Homeless Children Policy BP/AR 6173.

### Minimum Days or Pupil Free Staff Development Days (E.C. section 48980(c))

The Kern County Superintendent of Schools will notify parents of minimum days and Pupil Free Staff Development Days if applicable to any of their student programs. A notice will be provided.

### Free and Reduced Price School Meals - Delinquent Payments and Excess Account Balances

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (E.C. section 49557.5.)

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year. (CDE's Nutrition Services Division Management Bulletin SNP-03-2017.)

The district shall not direct any action toward a student to collect unpaid school meal fees. (E.C. section 49557.5.)

The district's efforts to collect debt shall be consistent with 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges. (CDE's Nutrition Services Division Management Bulletin SNP-03-2017.)

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss. (CDE's Nutrition Services Division Management Bulletin SNP 06-2015 and SNP-03-2017.)

### The Rights of Pregnant and Parenting Pupils (E.C. section 46015)

Pregnant and parenting pupils have the right to the following options and accommodations:

- Absence to care for a sick child is an excused absence and the school is prohibited from requiring a note from a doctor for such an absence.
- The school may not exclude nor deny any pupil from any educational program or activity, including class or extracurricular activity, solely on the basis of the pupil's

pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

- The school may require any pupil to obtain the certification of a physician or nurse practitioner that the pupil is physically and emotionally able to continue participation in the regular education program or activity.
- The school may not require pregnant or parenting pupils to participate in pregnant minor programs or alternative education programs. Pregnant or parenting pupils who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.
- The school must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.
- Pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children.
- A pregnant or parenting pupil is entitled to eight weeks of parental leave, which the pupil may take before the birth of the pupil's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the pupil who gives, or expects to give, birth and the infant, and to allow the pregnant or parenting pupil to care for and bond with the infant.
- A pregnant or parenting pupil who does not wish to take all or part of the parental leave to which they are entitled shall not be required to do so.
- A pregnant or parenting pupil is entitled to receive more than eight weeks of parental leave if deemed medically necessary by the pupil's physician.
- When a pupil takes parental leave, the supervisor of attendance shall ensure that absences from the pupil's regular school program are excused until the pupil is able to return to the regular school program or an alternative education program.
- During parental leave, schools shall not require a pregnant or parenting pupil to complete academic work or other school requirements.
- A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave.
- Upon return to school after taking parental leave, a pregnant or parenting pupil is entitled to opportunities to make up work missed during his or her leave including, but not limited to, makeup work plans and reenrollment in courses.

- Notwithstanding any other law, a pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.
- A pupil who chooses not to return to the school in which he or she was enrolled before taking parental leave is entitled to alternative education options offered by the local educational agency.
- A pregnant or parenting pupil who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.
- A pupil shall not incur an academic penalty as a result of his or her use of the accommodations specified in this subdivision.

## **LIMITED ENGLISH PROFICIENT STUDENTS AND AVAILABLE LANGUAGE ACQUISITION ISSUES**

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

If your child is an English learner, he/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 the California Teaching Commission. The district's language acquisition programs for grades K-3 comply with class size requirements.

## SCHOOL RECORDS AND ACHIEVEMENT

Pupil Records/Notice of Privacy Rights of Parents and Students (E.C. sections 49060, 49061, 49062, 49063, 49064, 49068, 49069, 49070, 49073, 49076, 49077; 20 USC 1232g; 20 USC 1232h; 34 CFR 99.3; 34 CFR 99.7; 34 CFR 99.30; 34 CFR 99.31; 34 CFR 99.33; 34 CFR 99.34; 34 CFR 99.35)

With 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 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 the district or required to be maintained by an employee in the performance of his/her duties. Pupil records include the student's health record. District officials responsible for maintaining your child's records are as follows: ***Administrator for Alternative Education, Administrator for Division of Special Education, or Director for Valley Oaks Charter Schools.***

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 the district.

Additionally, your child's records may be shared with school officials and employees of the district, and other persons connected with the district who have 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 to the district, 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 the district, as further defined here and in board policy, whose duties, responsibilities or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records. Persons outside the district 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 the district regarding the provision of services or functions outsourced to him/her by the district, including: contractors, consultants, insurance carriers, claims adjusters, accountants, attorneys, investigators, or other parties to whom the district 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 the district.

For additional information, please see E.C. section 49076 and 34 Code of Federal Regulations section 99.1 and following, or contact ***the program Administrator*** or the Family Policy Compliance Office, U. S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-4605.

Pursuant to E.C. section 49064, a log or record must be maintained for your child's records listing all persons, agencies, or organizations requesting or receiving information from the records and legitimate interests for that information. 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 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 your child's school. You also have a right to challenge the contents of your child's records, have an administrator assist you in interpreting the records, request amendment to ensure they are not inaccurate, misleading, or otherwise in violation of your child's privacy rights, seek expungement of those records, have a district-level hearing to appeal the decision not to change records, and file a complaint with the state and/or United States Department of Education if the district 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 the review and/or expungement of your child's records, please contact your child's school. 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 will be discussed with you.

Release of Pupil Directory Information (E.C. sections 49061(c)), 49070, 49073, 51938; 34 CFR 99.37; 20 USC 7908; 20 USC 1232h)

With certain exceptions, the law requires that the district obtain your written consent prior to 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 the district that you do not wish this information to be released in accordance with district 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, and radio and television stations; nonprofit organizations; military recruiters; employers; and institutions of higher education.

Directory information is defined by district 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, phone 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 district must give notice to parents of the district's decision to release designated directory information, and must allow a parent to inform the district 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 your child's school within thirty (30) days from the date of receiving this notification.

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

#### School Accountability Report Card (E.C. section 35256)

The School Accountability Report Card is available on request and is accessible at the following website: [www.kern.org](http://www.kern.org). This contains information regarding the quality of the district's programs and its progress toward achieving stated goals.

### **COMPLAINTS**

#### Uniform Complaint Procedures (E.C. sections 32289 and 52075; 5 CCR 4600-4670)

The Kern County Superintendent of Schools annually notifies its students, employees, parents or guardians of its students, advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures ("UCP") process.

The Kern County Superintendent of Schools is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

A. Programs and Activities Subject to the UCP

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education, Career Technical, Technical Training (state)
- Career Technical Education (federal)
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Education of Pupils in Foster Care, Pupils Who are Homeless, former Juvenile Court Pupils now enrolled in the district and Children of Military Families
- Every Student Succeeds Act
- Local Control and Accountability Plans (“LCAP”)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- School Site Councils
- Special Education
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt From Licensing
- Tobacco-Use Prevention Education

The Kern County Superintendent of Schools UCP shall be used to investigate and resolve any complaints alleging failure to comply with federal and state laws and regulations governing any district program or activity subject to the UCP and/or alleging unlawful discrimination, harassment, intimidation or bullying.

B. Pupil Fees

A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint. A pupil enrolled in one of the district's public schools shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

C. Additional Information

The Kern County Superintendent of Schools shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in the school district, pupils in military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in E.C. sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. The notice shall include complaint process information, as applicable.

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Health and Safety Code section 1596.7925, a notice shall be posted in each California state preschool program in each school in the district. The notice shall (1) state the health and safety requirements under Title 5 of the California Code of Regulations that apply to California state preschool programs pursuant to Health and Safety Code section 1596.7925, and (2) state the location at which to obtain a form to file a state preschool health and safety issues complaint pursuant to Health and Safety Code section 1596.7925.

D. Contact Information

The staff member, position, or unit responsible to receive UCP complaints in the district is:

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

E. Investigation and Decision

Complaints will be investigated and a written report with a Decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with the district's UCP policies and procedures.

The complainant has a right to appeal the district's Decision to the California Department of Education by filing a written appeal within fifteen (15) days of receiving the district's Decision. The appeal must be accompanied by a copy of the originally filed complaint and a copy of the district's Decision.

The Kern County Superintendent of Schools advises any complainant of civil law remedies including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of the Kern County Superintendent of Schools UCP shall be available free of charge.

Complaints Regarding Textbooks and Other Instructional Materials, Teacher Vacancies or Mis-assignment and the Condition of School Facilities (E.C. sections 17592.72, 35186, 35292.5; 5 CCR 4680-4687)

The Kern County Superintendent of Schools has a complaint process specifically designed to help identify and resolve insufficiencies related to textbooks and other instructional materials, teacher vacancies or mis-assignment and the condition of school facilities. The complainant is entitled to an investigation and a response from the district. Additionally, such complaints may be filed anonymously.

Complaints Regarding Employees

The Kern County Superintendent of Schools also has a process which permits the public to submit complaints against district employees in an appropriate and expeditious way which protects the rights of involved parties and holds employees accountable for their actions without disrupting the educational process.

Complaints Regarding Discrimination and Discriminatory Harassment (Section 504 of the Rehabilitation Act of 1973, Title VI Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972; 34 CFR 104.8 and 34 CFR 106.9)

The Kern County Superintendent of Schools is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, immigration 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, which prohibits discrimination on the basis of race, color, and national origin, Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, Section 504 of the Vocational Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA), which prohibit discrimination on the basis of disability. 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. Complaints or inquiries regarding compliance with Section 504 or Title II of the Americans with Disabilities Act may be directed to the district Section 504 Coordinator ***at the student's school site*** or to the Director of the Office for Civil Rights, U.S. Department of Education, Washington, DC.

Complaints of unlawful discrimination are investigated through the uniform complaint process. For a complaint form or additional information, please contact:

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

Safe Place to Learn Act (E.C. sections 220, 221.5, 234.1)

The Kern County Superintendent of Schools is committed to providing a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, facilities, and activities. At any school or school activity, the district prohibits 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, immigration 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 copies of the district's anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies or to file a complaint regarding a violation of these policies using the uniform complaint procedures form, please contact the district's Coordinator for Nondiscrimination Administrator for Human Resources at 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, the district 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 require increased privacy he/she may contact the district's Coordinator for Nondiscrimination Administrator for Human Resources at 636-4000.

## MISCELLANEOUS

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

*[E.C. section 52075 requires districts to include information about the legal requirements related to the Local Control and Accountability Plan in their Annual Notice.]*

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 eight 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. Once the budget and the LCAP are adopted at the local level, the plan will be reviewed by the county superintendent to ensure alignment of projected spending toward goals and services. The following are the eight 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; and
8. Measuring other important student outcomes related to required areas of study.

The board of education is required to establish a parent advisory committee (PAC) and English learner parent advisory committee (ELPAC) to provide advice to the board of education and the Superintendent regarding the LCAP. (ELPACs are required if enrollment in the district includes at least 15 percent English learners and the district enrolls at least 50 pupils who are English learners. Districts are not required to establish a new ELPAC 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 ELPAC. The advisory committees can review and comment on the proposed plan. Districts must respond in writing to the comments of the PAC and ELPAC. Districts are also required to notify members of the public that they may submit written 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 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.

#### Miscellaneous Parental Rights (E.C. section 49091.10)

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 include the following:

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 district's governing board.

**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 district's governing board 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 will be considered by the district's governing board. Upon written request, school officials will arrange for observation of a requested class or classes or activities in a reasonable time frame and in accordance with procedures determined by the district's governing board.

**Consent for Evaluations:** Your child may not be tested for a behavioral, mental, or emotional evaluation without informed written parental consent.

**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. The law does not relieve pupils of any obligation to complete regular classroom assignments.

### Other Parental Rights

The rights of parents of district pupils include the following:

- a. To observe in your child's classroom (upon reasonable notice).
- b. To meet with your child's teacher and the school principal (upon reasonable notice).
- c. To volunteer your time and resources at the school.
- d. To be notified on a timely basis if your child is absent from school without permission.
- e. To be notified concerning your child's classroom and standardized test performance.
- f. To request a specific school and teacher and to receive a response from the district. (This does not obligate the district to grant the request.)
- g. To have a safe learning environment for your child.
- h. To examine curriculum materials of your child's class.

- i. To be informed of your child's progress and appropriate school personnel to contact in the event of problems.
- j. To access student records for your child.
- k. To receive information concerning expectations for student learning.
- l. To be informed in advance about school rules, policies, dress codes, and procedures for visiting the school.
- m. To receive information about any psychological testing of your child and to deny permission for such testing.
- n. To participate as a member of any school site councils or parental advisory councils at the school, in accordance with governing membership.
- o. To question, and receive an answer regarding, items in your child's record that appear inaccurate, misleading, or that invade privacy.

#### The Professional Qualifications of Your Student's Teacher(s) (34 CFR 200.61)

Federal law requires that the district tell you about your right 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.

Technology, Use of the Internet and/or Online Sites and Online Advertising (20 USC 6777; 17 USC 3601; E.C. sections 35182.5, 49073.1)

The district 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 the district is unable to ensure that each and every inappropriate website or all such material will be blocked.

The district 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. The district 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.

The district 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 the district is otherwise unable to provide the product or service which the advertising accompanies or to which it is attached, the district may be required to permit some advertising that is not targeted at individual students. Any such product or service will have been found by the district 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 the district 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 being presented to your student.

The district 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.

Code of Conduct for Employee-Pupil Interactions (E.C. section 44050 and BP sections 4219.21, 4119.21 and 4319.21)

The district has a code of conduct for employees that includes employee interaction with pupils. Inappropriate employee conduct toward students includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon.
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed.
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child.
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student.
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time.
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members.
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action.
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity.

9. Being dishonest with students, parents/guardians, staff, or members of the public including, but not limited to, falsifying information in employment records or other school records.
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information.
11. Causing damage to or engaging in theft of property belonging to students, staff, or the district.
12. Wearing inappropriate attire.
13. An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of, but fails to report, inappropriate employee conduct may also be subject to discipline.
14. The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

### Know Your Rights

#### Your Child Has the Right to a Free Public Education

- All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students' parents or guardians.
- In California:
  - All children have the right to a free public education.
  - All children ages 6 to 18 years must be enrolled in school.
  - All students and staff have the right to attend safe, secure, and peaceful schools.
  - All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated

against based on their race, nationality gender, religion, or immigration status, among other characteristics.

#### Information Required for School Enrollment

- When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

#### Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information.  
These federal laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student "directory information." If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory.

#### Family Safety Plan if You Are Detained or Deported

- You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

#### Right to File a Complaint

Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

Kindergarten and First Grade Physical Examination (Health and Safety Code sections 323.5, 324.2, 324.3; E.C. sections 49450, 49452.8)

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 31 of your child's first school year in a public school, proof of an oral health assessment by a licensed dentist must be presented. You may file with the district a written objection or waiver stating the reasons if you are unable to obtain such services. 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].

Vision Appraisal (E.C. section 49455)

The district 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 waived 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.

Type 2 Diabetes (E.C. section 49452.7)

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. 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 are 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 Diseases Control and Prevention (Outside Source)

Every district must provide an information sheet regarding Type 2 Diabetes to the parent of every incoming grade 7 student. It is recommended that this information sheet be included in the Annual Notice packet. Pursuant to the requirements of E.C. section 49452.7, the information sheet has been developed by the California Department of Education and can be located at: <http://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>.]

## ***APPLICABLE TO HIGH SCHOOLS ONLY***

### Release of Information to Military Services Representatives (20 USC 7908)

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 phone number without prior written consent. Written notice must be submitted to the school if the parent wishes to deny access to this information.

### California High School Exit Exam (E.C. section 60851.5)

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.

## California High School Proficiency Exam (5 CCR 11523; E.C. section 48412)

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, 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/>.

## College Admission Requirements and Career Technical Education (E.C. sections 51229, 51225.3)

### College Admission Requirements

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)

### 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/)

### Future College or University (E.C. section 48980(c))

Because of rising costs, it is important for you to invest early for the future college or university education of your child. You may wish to consider appropriate investment options including but not limited to U. S. Savings Bonds.

### High School Graduation Requirements – Exemptions, Options and Accommodations Available to (i) Homeless Youth; (ii) Foster Youth; (iii) Former Juvenile Court School Students; and (iv) Children of Military Families (E.C. sections 51225.1, 51225.2, 51225.3)

Generally, to obtain a high school diploma, a student must complete all the courses required by the Education Code and fulfill any additional graduation requirements prescribed by the district's Governing Board. However, there are exceptions.

Homeless youth, foster youth, former juvenile court school students, and children of military families, who have transferred into the district from another school district or transferred between high schools within the district after having completed his/her second year of high school, must be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school.

Such students and their parents have the right to be timely informed (within 30 days) of the exemption and whether or not they qualify for the exemption.

Such students and their parents must be given and informed of the option of remaining in school for a fifth year, if needed, to complete district graduation requirements.

Such students and their parents must be informed how a fifth year may affect the student's ability to gain admission to a post-secondary educational institution.

Such students and their parents must be informed that a complaint may be filed against the school for non-compliance, pursuant to the district's uniform procedures.

High School Graduation Requirements – Exemptions, Options and Accommodations Available to (i) Migratory Children and (ii) Children Participating in an English Language Proficiency Program for Newly Arrived Immigrant Children (E.C. sections 51225.1, 51225.3)

Migratory children and children participating in an English language proficiency program for newly arrived immigrant students, who have transferred into the district from another school district or transferred between high schools within the district after having completed his/her second year of high school, must be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school.

Such students and their parents have the right to be timely informed (within 30 days) of the exemption and whether or not they qualify for the exemption.

Such students and their parents must be given and informed of the option of remaining in school for a fifth year, if needed, to complete district graduation requirements.

Such students and their parents must be informed how a fifth year may affect the student's ability to gain admission to a post-secondary educational institution.

Such students and their parents must be informed that a complaint may be filed against the school for non-compliance, pursuant to the district's uniform procedures.

## **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

## **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.

A pupil fee includes, but is not limited to, all of the following:

A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.

A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in a school in our district shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

Standardized notices shall be posted of the educational rights of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district as specified in EC Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

## 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

History: approved 3/26/08; revised 8/4/09, 11/22/11, 3/13/13, 10/8/13, 6/17/14

**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.

Policy revised: August 4, 2009 and November 22, 2011/AR 1230b

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

### 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.