

# YOUR RIGHTS & RESPONSIBILITIES

as an Employee, Student, Parent or Guardian, Advisory Committee

Member, Private School Official, and Other Interested Party

## *Of A Child in California Public Schools, 2016-17*

### **Ceres Unified School District**

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## **Parent Notice Of Rights And Responsibilities**

The State of California requires that parents be notified of their rights and responsibilities in certain matters pertaining to their children's education.

- 1. Absence for Religious Exercises and Instruction:** Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)
- 2. Comprehensive Sexual Health Education and HIV/AIDS Prevention Education "California Healthy Youth Act"** (Ed. Code, § 51938): A parent or guardian has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt out") process. A school district shall not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention. A parent or guardian who wishes to exercise this right must state their request in writing. A parent or guardian may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them with a copy of the California Healthy Youth Act (Education Code section 51930 et. seq).

Parents or guardians shall be notified in writing at the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil in grades 7-12 about instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year. This includes advisement to the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection and that during this inspection a parent or guardian may make copies at the parent's or guardian's pupil's school of any written educational material that will be distributed to pupils, if it is not copyrighted and has been or will be presented by an outside consultant or guest speaker. Parents or guardians will also be advised whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified. While comprehensive sexual health education, HIV prevention education, or an 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.

- 3. Excuse From Instruction in Health:** Upon written request of a parent, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)
- 4. Administration of Medication:** Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5, 49480)

- 5. Students on Medication:** Parents are to notify the principal if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)
- 6. Immunizations:** The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Health and Safety Code section 120370. The immunization exemption based on personal beliefs has been eliminated. (Health & Safety Code, § 120325). A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law. (Health & Safety Code, § 120335). A student may still be exempted from the immunization requirement based on medical condition or circumstances. A parent or guardian must file with the District a statement from a licensed physician saying that the immunization is not considered safe and is not recommended based upon the nature or duration of the medical condition or circumstances, including, but not limited to, the family medical history. (Health & Safety Code, § 120370)
- A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. (Ed. Code, §§ 48216, 48853.5(d), 48980(a), 49403, Health & Safety Code, §§ 120325, 120335, 120341)
- 7. Physical Exams and Testing:** The District is required to conduct certain physical examinations and vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease. (Ed. Code §§ 49451, 49452, 49452.5 and 49455, Health & Safety Code § 124085)
- 8. Confidential Medical Services:** For students in grades 7 through 12, the District may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student's parent or guardian. (Ed. Code § 46010.1)
- 9. Medical Coverage for Injuries:** Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent's expense. No pupil shall be compelled to accept such services without his or her consent or, if the pupil is a minor, without the consent of a parent or guardian. (Ed. Code, § 49472)
- 10. Medical and Hospital Services Not Provided:** Ceres Unified School District does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Ed. Code, §§ 32221.5, 49471)
- 11. Services for Students with Exceptional Needs or a Disability:** State and federal law requires that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Disabled students for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific information. (Ed. Code § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. §104.32) The District official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone:

Kristi Britton  
Director of Special Education  
2503 Lawrence Street  
Ceres, California 95307  
(209) 556-1530

- 12. No Academic Penalty for Excused Absence:** No pupil may have his or her grade reduced or lose academic credit for any absence or absences which are excused for the reasons specified below when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Ed. Code, §§ 48205, 48980(j))

A pupil shall be excused from school when the absence is:

- (1) Due to his or her illness.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
- (4) 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.
- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during the school hours of a child of whom the pupil is the custodial parent.
- (7) For justifiable personal reasons, including but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

(8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in 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. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. As the teacher of any class from which a pupil is absent shall determine, the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

"Immediate family," as used in this section refers to mother, father, grandmother, grandfather, or a grandchild of the pupil or of the spouse of the pupil, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the pupil, or any relative living in the immediate household of the pupil. (Ed. Code § 48205)

**13. Equal Opportunity:** Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972.) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed below at the following address and telephone:

David Viss  
Director of Personnel Services  
2503 Lawrence Street  
Ceres, California 95307  
(209) 556-1510

**14. Complaints (Special Education):** Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents may submit a description of the manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations to:

Kristi Britton  
Director of Special Education  
2503 Lawrence Street  
Ceres, California 95307  
(209) 556-1530

**15. Release of Student Information:** The District does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the District in writing not to release such information:

Name, address, telephone, date of birth, e-mail address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073, 20 U.S.C. § 1232g, 34 C.F.R. § 99.7) In accordance with state and federal law, the District may also make available photographs, videos, and class rosters.

Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed. Code, § 49073(c), 20 U.S.C. § 1232g, 42 U.S.C. § 11434a(2))

**16. Information Obtained from Social Media:** A school district that considers a program to gather or maintain in its records any information obtained through social media of any enrolled student shall notify students and their parents or guardians about the proposed program and provide an opportunity for public comment at a regularly scheduled public meeting of the Governing board of the school district. The notification shall include, but is not limited to, an explanation of the process by which a student or a student's parent or guardian may access the student's records to examine the information gathered or maintained, and an explanation of the process by which a student or student's parent or guardian may request the removal of information or make corrections to information gathered or maintained. (Ed. Code § 49073.6)

Notwithstanding the foregoing, the District shall have the authority investigate online content in response to any specific report of cyberbullying, threats, or other misconduct, in an effort to ensure a safe learning environment. Student safety is the District's top priority.

**17. Inspection of Student Records:** State law requires that the District notify you of the following rights which pertain to student records. (Ed. Code, §§ 49063, 49069, 34 C.F.R. § 99.7)

- a. A parent or guardian has the right to inspect and review student records relating directly to their child during school hours or obtain a copy of such records within five (5) days of his/her request.
- b. Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.
- c. A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's

record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.

The parent may file a written request with the Superintendent of the District to remove any information recorded in the written records concerning the child which is alleged to be:

- (1) Inaccurate.
- (2) An unsubstantiated personal conclusion or inference.
- (3) A conclusion or inference outside of the observer's area of competence.
- (4) Not based on the personal observation of a named person with the time and place of the observation.
- (5) Misleading.
- (6) In violation of the privacy or other rights of the pupil.

Within thirty (30) days, the Superintendent shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District, and sustain or deny the allegations. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the Superintendent denies the allegations, the parent may appeal the decision to the Governing Board within thirty (30) days. The Board shall determine whether or not to sustain or deny the allegations. If the Board sustains the allegations, it shall order the Superintendent to immediately correct, remove or destroy the information from the written records of the student. (Ed. Code § 49070)

If the final decision of the Board is unfavorable to the parents, or if the parent accepts an unfavorable decision by the District Superintendent, the parent shall have the right to submit a written statement of objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed.

Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code sections 49070-49071 to assist in the decision making. The decision as to whether a hearing panel is to be used shall be made at the discretion of the Superintendent or the Board and not of the challenging party.

- d. A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. Student Record Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code § 49064)
- e. School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. "School officials and employees" are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent or student whose access to student records is legally authorized. A "legitimate educational interest" is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5, 20 U.S.C. § 1232g)
- f. Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
- g. Parents and guardians will be charged .20 cents for each page for the reproduction of student records.
- h. Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232(g))
- i. Parents may obtain a copy of the District's complete student records policy by contacting the Superintendent.

**18. Family Education Rights Privacy Act:** In addition, you have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying you of these rights is attached hereto.

**19. Student Discipline:** District and School Rules pertaining to student discipline are available to parents or guardians of district students in the CUSD Code of Conduct and individual school handbooks. (Ed. Code § 35291)

Students may be subject to discipline for off-campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or district property even if such misconduct occurred off-campus and during nonschool hours. (Ed. Code, § 48900(r))

**20. Dissection of Animals:** If a student has a moral objection to dissecting or otherwise (harming or destroying animals), or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil's parent or guardian. If the pupil chooses to refrain from participating in such a project, and if the teacher believes that an adequate alternative education project is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. (Ed. Code §§ 32255-32255.6)

**21. Temporary Disability:** A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside

of the pupil's need for individualized instruction. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. (Ed. Code, §§ 48206.3, 48207, 48208, 48980(b))

**22. Student Residency:** A student may be enrolled in the District if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code, §48200); (2) the District has approved interdistrict attendance (Ed. Code, § 46600); (3) the student is placed in a regularly established children's institution, licensed foster home, or family home; (4) the student is a foster child who remains in his or her school of origin pursuant to Education Code Section 48853.5(d) and (e); (5) the student is emancipated and lives within the District; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; or (7) the student resides in a state hospital within the District; or (8) the student's parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week. (Ed. Code, § 48204). The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week. (Ed. Code, §48204).

**23. Attendance Options:** California law (EC §48980(i)) requires all school boards to inform each student's parent at the beginning of the school year of the various ways in which they may choose schools for their children to attend other than the ones assigned by school districts. Students who attend schools other than those assigned by the districts are referred to as "transfer students" throughout this notification. There is one process for choosing a school within the district which the parent lives (intradistrict transfer), and three separate processes for selecting schools in other districts (interdistrict transfer). The general requirements and limitations of each process are described in the attached Board Policies:

### **Intradistrict Open Enrollment**

BP 5116.1

Students

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

Students from other schools who are enrolled as intradistrict transfers within the Ceres Unified School District shall have such transfers conditional upon satisfactory student attendance, academic effort, behavior, and student and/or parental compliance with district rules and procedures, including adherence to the Standard Uniform Dress Code for those sites implementing standard dress.

(cf. 5117 - Interdistrict Attendance)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

### **Enrollment Priorities**

Priority for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds are identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

2. Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912)

(cf. 0450 - Comprehensive Safety Plan)

3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist
- b. A court order, including a temporary restraining order and injunction

4. Priority may be given to siblings of students already in attendance in that school.

5. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

### **Transportation**

Except as required by 20 USC 6316, for transfers out of Title I program improvement schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds. Priority for any such transportation shall be based on demonstrated financial need.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

#### EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

#### UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

#### COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

#### ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, December 4, 2002

Unsafe School Choice Option, July 23, 2002

#### WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

Policy: CERES UNIFIED SCHOOL DISTRICT

Adopted: March 17, 1994 Ceres, California

Revised: March 22, 2004

#### Procedures For Intradistrict Requests For The 2016-2017 School Year

Students having residency within the Ceres Unified School District boundaries who wish to request to attend a CUSD school other than their neighborhood school must fill out an Intradistrict request form. Transportation is not provided for children on an intradistrict. If your child is currently on an intradistrict for the 15-16 school year and in grades K through 5, 7, or 9 through 11, you do not have to fill out an Intradistrict request for the 16-17 school year. If you filled out an intradistrict request for the 15/16 school year and you are on a school waiting list, you do not need to fill out another Intradistrict request for the 16-17 school year, and your position on the waiting list will be retained. If you do not wish to have your child continue on an intradistrict for the 16-17 school year, you must inform the Child Welfare and Attendance Office by January 31, 2016 in order to receive first

consideration to return to your home school.

Intradistrict forms for the 2016-2017 school year will be available on the CUSD web site, at all CUSD schools and at the CUSD District office. A form can also be sent via mail by calling the Child Welfare and Attendance office at (209) 556-1540 and requesting one. Information about the programs and activities at all CUSD schools may be obtained on the CUSD web site.

Completed Intradistrict forms will be accepted only at the Ceres Unified School District office (2503 Lawrence Street, Ceres) beginning January 6, 2017. All completed Intradistrict forms received by 4:30 PM, January 31, 2017 will be placed in an unbiased, random lottery to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. Intradistrict forms that are received after January 31, 2017 will be placed in order based upon when they are turned in and will be considered after all intradistrict requests who were received between January 6, 2017 and January 31, 2017. Please refer all questions regarding intradistrict attendance to:

Child Welfare and Attendance  
2503 Lawrence Street  
Ceres, California 95307  
(209) 556-1540

### **Interdistrict Transfers**

BP 5117

Students

#### **Interdistrict Attendance**

The Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. The Board desires to communicate with parents/guardians and students regarding what educational programs and services are available and how district programs and services may be improved.

The Board recognizes that current district enrollment corresponds with district facilities and resources and that the district has limited capacity for serving additional students. Therefore, the Superintendent or designee may approve interdistrict attendance agreements which are in the best interests of the student and are consistent with district needs.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

The Board recognizes that the district may be capable of serving additional students. Therefore, the Superintendent or designee may approve interdistrict attendance agreements with other districts.

1. When child care needs of the student are met by a parent/guardian, relative or sitter in another district. (Education Code 46601.5)
2. When special mental or physical health needs, as certified by a physician, school psychologist or other appropriate school personnel, can be met in another district.
3. When the student has brother(s) or sister(s) attending school in a different district, to avoid splitting the family's attendance.
4. To complete a school year when parents/guardians have moved out of the district during that year.
5. To allow students to remain with a class graduating that year from an elementary, junior or senior high school.
6. To let seniors attend the same school they attended as juniors, even if their families moved out of the district during the junior year.
7. When there is valid interest in a particular educational program not offered in the district of residency.
8. To provide a major change in school environment for reasons of personal and social adjustment, on a trial basis.
9. When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district.
10. When the student will be living out of the district only for one year or less.
11. When recommended by the School Attendance Review Board or by county child welfare, probation or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.
12. When the parent/guardian of a student works within the boundaries of the school district.

Interdistrict transfers may occur when space is available. Interdistrict transfers may occur on a student-for-student basis when equal numbers of students transfer between two districts.

Transportation normally provided for students living in the district may be provided for students attending on an interdistrict attendance agreement if space is available and if approved by the Superintendent or designee.

Students from other districts who are enrolled as interdistrict transfers in the Ceres Unified School District shall have such transfers conditional upon satisfactory student attendance, academic effort, behavior, and student and/or parental compliance with district rules and procedures, including adherence to the Standard Uniform Dress Code for those sites implementing Standard Dress.

The district shall not knowingly accept students who are not district residents without an interdistrict attendance permit. However, such permits will not be required for students enrolling in ROC or ROP. (Education Code 52317)

Students who do not meet the criteria stipulated in this policy maybe denied an interdistrict attendance agreement

1. Students who have been expelled from their home district will not be granted an interdistrict transfer into Ceres Unified School District.

2. The parent/guardian of a student who is denied a transfer shall receive timely notice, within 30 days in accordance with law, regarding the process for appeal to the County Board of Education. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the districts, by the district of residence.

(cf. 5119 - Students Expelled from Other Districts)

Legal Reference:

EDUCATION CODE

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48209-48209.17 Student attendance alternatives

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Enrollment of students, inter district attendance

Policy CERES UNIFIED SCHOOL DISTRICT

Adopted: March 17, 1994 Ceres, California

Revised: December 10, 1998

Revised: March 22, 2004

### **Parental Employment in Lieu of Residency Transfers (EC §48204(f)):**

AR 5111.12

Students

#### **Residency Based On Parent/Guardian Employment**

District residency status may be granted to a student whose parent/guardian is employed within district boundaries. (Education Code 48204)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance)

Applications for Admission

When applying for his/her child's admission to a district school based on employment, the parent/guardian shall provide proof of employment within district boundaries, such as a paycheck stub or letter from his/her employer.

The Governing Board may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Education Code 48204)
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan. (Education Code 48204)
3. The school facilities are overcrowded at the relevant grade level.
4. Other circumstances exist that are not arbitrary. (Education Code 48204)

The Superintendent or designee shall notify the parent/guardian in writing of the Board's decision to deny the student admission. The notice shall include specific reasons for the denial.

Students enrolled in the district on the basis of parent/guardian employment shall not be required to reapply for enrollment in subsequent school years. Such students may continue to attend school in the district through the highest grade provided by the district, if the parent/guardian so chooses and if one or both of the student's parents/guardians continue to be employed within district boundaries, subject to the restrictions specified in law related to excess costs and negative impact on desegregation plans. (Education Code 48204)

District Students Attending Other Districts Based on Parent/Guardian Employment

Note: Education Code 48204 prescribes ADA-based limits on the number of transfers that may be made out of a district because of the parent/guardian's place of employment. These limits may be waived if approved by the sending district. The limits are as follows: districts with 500 ADA or less - 5% of the ADA; ADA of 501-2500 - 3% of the ADA or 25 students, whichever is greater; ADA of 2501 or more - 1% of the ADA or 75 students, whichever is greater. The following paragraph may be modified to specify the percentage that applies to the district's ADA.

When a student's parents/guardians request a transfer to another district based on the parent/guardian's employment within that other district, the Board may deny the request if the percentage of district students admitted to other districts on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. A transfer may also be denied if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan. (Education Code 48204)

The student's parent/guardian shall be notified in writing of the Board's decision to deny the transfer to the school district in which the parent/guardian's employer is situated. The notice shall include specific reasons for the denial.

Legal Reference:

EDUCATION CODE

48200-48204 Compulsory education law

ATTORNEY GENERAL OPINIONS

Management Resources:

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

Regulation CERES UNIFIED SCHOOL DISTRICT

Approved: September 2, 1993 Ceres, California

Revised: October 1, 1997

Revised: June 19, 2003

Parents interested in interdistrict or intradistrict transfers should contact:

Jose Beltran

Coordinator of Child Welfare and Attendance

2503 Lawrence Street

Ceres, California 95307

(209) 556-1540

**24. Sexual Harassment Policy:** Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the District's policy on sexual harassment is attached. (Ed. Code, §§ 231.5, 48980(g))

**25. Notice of Alternative Schools:** California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

- a. Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- b. Recognize that the best learning takes place when the student learns because of his desire to learn.
- c. Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.
- d. Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous permanent process.
- e. Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for parent information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district. (Ed. Code, § 58501)

**26. Nutrition Program:** The State Department of Education has established a statewide program to provide nutritious meals and milk at school for pupils, and to provide free meals to the neediest children. In some instances, nominal cash payments may be required. (Ed. Code § 49510 et seq.)

**27. Leaving School Ground:** The Governing Board of the Ceres School District, pursuant to Section 44808.5 of the Education Code, has decided to permit 11<sup>th</sup> and 12<sup>th</sup> grade pupils enrolled at Ceres High School and Central Valley High School who meet a particular criteria to leave school grounds during the lunch period. (Consult the Ceres High School and Central Valley High School Handbook regarding permission.) Section 44808.5 of the Education Code further states: "Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds." (Ed. Code § 44808.5)

**28. U.S. Department of Education Programs:** The following applies only to programs directly funded by the U.S. Department of Education:

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.

No student shall be required, as part of any applicable U.S. Department of Education funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:

- a. political affiliations;
- b. mental and psychological problems potentially embarrassing to the student or his family;
- c. sex behavior and attitudes;
- d. illegal, anti-social, self-incriminating and demeaning behavior;
- e. critical appraisals of other individuals with whom respondents have close family relationships;
- f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g. religious practices, affiliations, or beliefs of the student or student's parent; or
- h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such

program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

(20 U.S.C. § 1232h)

**29. Fingerprint Programs:** With the written consent of the parent or guardian, kindergarten or newly enrolled students may be fingerprinted. The fingerprint document may not be retained by the District but must be delivered to the parent or guardian. A fee shall be charged to the parent or guardian to reimburse the District for its actual cost. (Ed. Code, §§ 32390, 48980(f))

**30. Uniform Complaint Procedures:**

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:

State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)

Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed. Code, § 32261.) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), nationality (includes citizenship, country of origin and national origin), race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq., 66260–66264, Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq., 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. § 12101 et seq., 34 C.F.R. § 106.9) The District prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion.

The District has a written complaint procedure which may be used in cases where individuals or a group have suffered discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650, Ed. Code, § 234 et seq., 48900(r).)

- a. Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(b)(1))
- b. Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)
- c. Complaints must usually be filed with the (director/district superintendent/designee of the District). In the following cases, however, complaints may be filed directly with the State Superintendent of Public Instruction: (Cal. Code Regs., tit. 5, §§ 4630(a), 4650)
  - (1) Complaints alleging that the District failed to comply with the complaint procedures described herein.
  - (2) Complaints alleging facts which indicate that complainant will suffer an immediate loss of some benefit such as employment or education.
  - (3) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at the District level.
  - (4) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
  - (5) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
  - (6) The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.
- d. Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the State Superintendent of Public Instruction for an extension of up to ninety (90) days. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying:

The District has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying.

- a. Written complaints may be made regarding:
  - (1) Adult Basic Education
  - (2) Consolidated Categorical Aid Programs
  - (3) Migrant Education
  - (4) Vocational Education
  - (5) Child Care and Development
  - (6) Child Nutrition
  - (7) Special Education
  - (8) "Williams Complaints"

- (9) Pupil Fees
- (10) Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
- (11) Student Parent Lactation Accommodations
- (12) Course Assignments
- (13) Physical Education Instructional Minutes

(14) Foster and Homeless Youth Services

(15) Regional Occupational Centers and Programs

(Cal. Code Regs., tit. 5, §§ 4610(b), 4630, Ed. Code, §§ 222, 35186, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1, 51228.2, 51228.3, 52060-52075, and 52334.7.)

Any individual, public agency or organization has the right to file a written complaint alleging that the District has violated a federal or state law or regulation governing any program listed in items 1-15 above. (Cal. Code Regs., tit. 5, § 4630(b)(1))

Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)

Complaints must usually be filed with the superintendent or designee of the District under the timelines established by District policy. (Cal. Code Regs., tit. 5, § 4630(b))

Within 60 days from the date of receipt of the complaint, the District's responsible officer or his/her designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to 5 CCR § 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

b. Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code, § 35186)

- (1) Insufficient textbooks and instructional materials;
- (2) Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils;
- (3) Teacher vacancy or misassignment

A complaint of noncompliance with Education Code section 35186 may be filed with the school principal or designee under the Uniform Complaint Procedures. A complainant not satisfied with the resolution of a Williams Complaint has the right to bring the complaint to the district governing board at a regularly scheduled hearing. In the case of a complaint regarding emergency or urgent school facilities conditions, a complainant has the right of appeal to the State Superintendent of Public Instruction.

c. Pupil Fees Complaints: A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed not later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Responsible Official: The District official responsible for processing complaints is listed below at the following address:

Scott Siegel, Ed.D, Superintendent  
Ceres Unified School District  
2503 Lawrence Street  
Ceres, CA 95307

Complaints Made Directly to the State Superintendent:

Complaints must usually be filed with the administrator/superintendent of the District. However, complaints may be filed directly with the State Superintendent of Public Instruction in the following cases:

- (1) Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.
- (2) Complaints regarding Child Development and Child Nutrition programs not administered by the District.
- (3) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.
- (4) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
- (5) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
- (6) Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile.
- (7) Complaints relating to Special Education, but only if:
  - (a) District unlawfully refuses to provide a free appropriate public education to handicapped students; or
  - (b) District refuses to comply with due process procedures or fails to implement due process hearing order; or
  - (c) Children may be in immediate physical danger, or their health, safety or welfare is threatened; or

- (d) A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or
  - (e) The complaint involves a violation of federal law.
  - (8) The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.
    - (1) A complainant not satisfied with the decision of the school may appeal to the California Department of Education by filing a written appeal within 15 days of receiving the decision and will receive a written appeal decision within 60 days of the department's receipt of the appeal.
    - (2) If the school finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school must provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- (Cal. Code Regs., tit. 5, §§ 4630, 4650)

Appeals:

- a. Except for Williams Complaints, if a complaint is denied, in full or in part, by the District, the complainant may appeal to the California Department of Education. (Ed. Code, § 262.3(a), Cal. Code Regs., tit. 5, § 4632)
  - (1) Appeals must be filed within fifteen (15) days of receiving the District decision.

Complainant may, within that fifteen (15) day period, file a written request for an extension. Extensions will not be automatically granted, but may be granted for good cause.

  - (2) Appeals must be in writing.
  - (3) Appeals must specify the reason(s) for appealing the District decision.
  - (4) Appeals must include a copy of the original complaint and a copy of the District decision.
  - (5) Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.
  - (6) If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District must provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- b. If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
  - (1) Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
  - (2) The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b), Cal. Code Regs., tit. 5, § 4622)

**31. Pupil-Free Staff Development Day and Minimum Day Schedule:** A copy of the District's pupil-free staff development day and minimum day schedules is attached for reference. A pupil's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, §48980(c))

Minimum Days (all elementary sites only)

August 24  
 September 13  
 May 18  
 June 1

Parent/teacher Conference minimum days

Junior High	October 19, 20 and 21 and March 1, 2
Elementary	November 14, 15, 16, 17, 18, and March 16, 17

**32. Review of Curriculum:** A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for parent review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, §§ 49063, 49091.14)

**33. Transitional Kindergarten:** A school district or charter school may admit a child, who will have his/her fifth birthday after December 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if:

- (a) the governing board or body determines that the admittance is in the best interests of the child, and
- (b) the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)

**34. High School Exit Examination:** Administration of the high school exit exam is suspended through the 2017-2018 school year. The successful passing of the high school exit exam by each student completing grade 12 is no longer a condition of receiving a diploma of graduation or a condition for graduating from high school through the 2017-2018 school year. (Ed. Code, § 60851.5) Until July 21, 2018, the governing board or body of a school district, county office of education, or charter school must grant a high school graduation diploma to any student who completed grade 12 in the 2003-2004 school year or subsequent school year and met all the applicable graduation requirements other than passing the high school exit exam. (Ed. Code, § 60851.6)

**35. Child Find System; Policies and Procedures:** Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the Director of Student Services and/or Special Education, or his/her designee. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, § 56301, 34 C.F.R. § 104.32(b))

**36. School Accountability Report:** Parents/guardians may request a School Accountability Report Card which is issued annually for each school of the District. School Accountability Report Cards are available on the CUSD web site on each school's web page. (Ed. Code § 35256)

**37. Asbestos Management Plan:** An updated management plan for asbestos-containing material in school buildings is available at the District Office. (40 C.F.R. § 763.93)

**38. Military Recruiter Information:** The No Child Left Behind Act of 2001 and Education Code section 49073.5 requires that school districts disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents request that this information not be released without prior written consent. Parents have the option of making such a request. If you do not wish this information to be provided to military recruiters, please notify the District office of this fact in writing. The writing should be directed to the District official listed below at the following address:

**39. Children In Homeless/Foster Care Situations:** Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5, 42 U.S.C. § 11432(g)(1)(J)(ii).)

Jose Beltran

Coordinator of Child Welfare and Attendance

2503 Lawrence Street

Ceres, California 95307

(209) 556-1540

A district serving a homeless child must allow the child to continue his/her education in the school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the district must allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the district must allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels must be allowed to continue in the school district of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school is required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency. (Ed. Code, § 48852.7)

Each local district shall also designate a staff person as the educational liaison for foster children. The educational liaison shall disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5)

The district serving the foster child shall allow the foster child to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including immunization history. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5)

The district receiving a transfer request or notification of a student in foster care shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity. (Ed. Code, § 49069.5)

The district shall exempt from local graduation requirements a student in foster care or a student who is a homeless child or youth and who transfers between schools under certain circumstances. (Ed. Code, § 51225.1)

A district shall accept coursework done by a student in foster care or who is a homeless child or youth while attending another school. The district is prohibited from requiring those students to retake courses or partial courses they have satisfactorily completed elsewhere. (Ed. Code, § 51225.2)

A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the District's

Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

**40. Career/Technical Education Offerings:** The Ceres Unified School District offers a number of Career/Technical Education courses funded by the Yosemite Regional Occupational Program (ROP) as well as the Carl Perkins Act. ROP courses are open to all students who are Juniors (Grade 11) as well as adults. Courses are offered in the areas of agriculture, business, industrial technology, criminal justice as well as an Emergency Medical Technician (EMT) course. Courses are free to high school students. Individuals taking the EMT course pay a registration fee as well as pay for their textbook. Enrollment is open to all individuals and no one is denied admission on the basis of ethnic group identification, religion, age, sex, gender, race, national origin, ancestry, sexual orientation, color, or physical or mental disability.

**41. Sex Equity In Career Planning:** Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions. (Ed. Code, § 221.5(d))

**42. Pesticide Products:** All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The attached list provides the name of each pesticide product, the active ingredient(s) and the Internet address for further information. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, he or she must complete the attached form and return it to his or her child's school. A copy of the integrated pest management plan for the schoolsite or District may be provided on the school website or viewed at the school office. (Ed. Code, §§ 48980.3, 17611.5, 17612)

**43. Student Parent Lactation Accommodations:** The District is required to provide reasonable accommodations to a lactating student on a school campus to address breast-feeding needs. (Ed. Code, §222)

A student may not be penalized academically because of the reasonable accommodations provided during the schoolday. A student must also be given the opportunity to make up missed work.

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

**44. PE Instructional Minutes:** The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school must include physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

**45. Course Assignments:** A school district is prohibited from assigning a student enrolled in any of grades 9 through 12 to any course period without educational content for more than one week in any semester, except under specified conditions. Under no circumstances can a district assign a student enrolled in any of grades 9 through 12 to a course period without educational content because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.1)

A school district is prohibited from assigning a student enrolled in grades 9 through 12 to a course that the student has previously completed and received a grade determined by the district to be sufficient to satisfy the requirements and prerequisites for admission to the California public post-secondary schools and the minimum high school graduation requirements, except under specified conditions. Under no circumstances can a district assign a student enrolled in any of grades 9 through 12 to a course the student has previously completed and received a sufficient grade, as specified, because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated schoolday. (Ed. Code, § 51228.2)

These sections do not apply to students in alternative schools, community day schools, continuation high schools or an opportunity school. A district may continue to authorize dual enrollment in community college, to run evening high school programs, to offer independent study, work experience education, and other specified courses.

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 51228.3)

**46. Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs:** A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate. (Ed. Code, § 52334.7)

A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Code section 52501 or regional occupational centers and programs may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office's participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

**47. Pupil Fees:** A pupil enrolled in a public school must not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)

(a) The following requirements apply to prohibited pupil fees:

(1) All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.

(2) A fee waiver policy shall not make a pupil fee permissible.

(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.

(4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of

goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

- (b) Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. School districts, schools, and other entities are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 49013)

- 48. Student Photographs, Motion Pictures and Videotapes:** The District may take photographs, motion pictures or videotapes of students, singly or in a group, for the purposes of informing teachers, parents and the general public of the aims, activities or methods of instruction of programs operated by the Department. Such motion pictures or videotapes may be shown to local and national audiences and such photographs may appear in local newspapers as well as national publications where applicable. Parents may inspect or view these photographs or other materials upon request. Student art work/writing/photos/videos may be considered for publication. This may include publication on the Internet as part of our district's web page or other media during this school year. No student's full name, home address, telephone number, or email will be published on District web pages. Group student photos can be published showing students working on projects and other activities or at school events, but students will not be identified by name. (cf. 5125.1 - Release of Directory Information)

The parent or guardian may notify the District in writing not to take such photographs, motion pictures or videotapes of his or her child, at the following address:

Chris Higle  
Director of Technology and Media Services  
2503 Lawrence Street  
Ceres, California 95307  
(209) 556-1570

## **Notification Of Rights Under FERPA For Elementary And Secondary Schools**

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

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

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

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

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

If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

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

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

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

The School will make a reasonable attempt to notify the parent or eligible student of a records request by officials of another school district in which a student seeks or intends to enroll.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

# Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)--
  1. Political affiliations or beliefs of the student or student’s parent;
  2. Mental or psychological problems of the student or student’s family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of --
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use --
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Ceres Unified School District will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Ceres Unified School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Ceres Unified School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Ceres Unified School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

## **Healthy Schools Act of 2000 Annual Pesticide Use Notification For Parents, Guardians and Employees**

The Ceres Unified School District is committed to providing a safe, clean and healthy environment for students and staff. Pursuant to the Healthy Schools Act of 2000, the District is required to annually notify parents, guardians and employees about pesticides used at school sites and facilities and to have an established Integrated Pest Management (IPM) plan.

The District’s Integrated Pest Management (IPM) plan includes the names of the herbicides/pesticides used for abatement and the plan complies with all requirement of the Healthy Schools Act of 2000 (Education Code Section 17608-17613, 48980.3; Food & Agriculture Code Sections 13180-13188) and is available on the CUSD website:

[http://ceres.sharpschool.net/business\\_services/maintenance](http://ceres.sharpschool.net/business_services/maintenance).

When pesticides and/or herbicides are used on school facilities, warning signs are posted 24 hours in advance of the application at all main office entrances. The warning signs include the product name, manufacturer’s name, EPA product registration number, intended date and areas of application, and the reason for the application. The

warning signs remain posted for seventy-two hours after the application.

To help with the abatement of pests, employees are encouraged to minimize eating food in classrooms, offices and other work areas. Food items in the work place should be stored in sealed containers wherever possible. For specific questions regarding the District’s IPM plan or information on the products used by the District, contact Ken Hines, Director of Maintenance & Operations, at 209-556-1500 x1450. Information regarding pesticides may also be obtained at the following website: [www.cpdr.ca.gov](http://www.cpdr.ca.gov)

## **Environmental Protection Agency’s “Asbestos Hazard Emergency Response Act”**

During the past year, the District’s certified asbestos inspector, has conducted two AHERA-required six-month surveillances of all the District’s asbestos-containing materials. Copies of the findings have been added to the District’s management plans. The management plans for all sites are available for public review at the District Office and individual plans are available at each site.

If you have questions concerning the District’s asbestos management plan please contact:

Amy Peterman  
Assistant Superintendent of Business Services  
P.O. Box 307  
2503 Lawrence Street  
Ceres, California 95307  
(209) 556-1500 ext. 1331

## **CHILD ABUSE REPORTING GUIDELINES AND PROCEDURES**

The following information will assist parents and guardians in determining whether or not child abuse has occurred and, if so, how to file a complaint of child abuse with local law enforcement. This information has been taken from the California Child Abuse and Neglect Reporting Act in the California Penal Code and from sections of the California Education Code.

**Child Abuse Can Be Any of the Following:**

- A physical injury which is inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child, such as:
  - o The negligent treatment or maltreatment of a child by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person;
  - o The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
  - o The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child’s welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

**Child Abuse Does Not Include:**

- A mutual fight between minors;
- An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or
- An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
  - o To stop a disturbance threatening physical injury to people or damage to property;
  - o For purposes of self-defense;
  - o To obtain possession of weapons or other dangerous objects within control of a pupil; or
  - o To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

**How to File a Complaint of Child Abuse Committed at a School Site**

Parents and guardians of pupils have the right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. To file a complaint, the parent or guardian must file a formal report with an appropriate local law enforcement agency. An appropriate law enforcement agency may be one of the following:

- A Police or Sheriff’s Department (not including a school district police department or school security department)
- A County Probation Department if designated by the county to receive child abuse reports, or
- A County Welfare Department/County Child Protective Services.

The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school district or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations.

The local law enforcement agency is required to investigate all complaints.

In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed by the parent or guardian with the California Department of Education (CDE) according to Title 5 of the California Code of Regulations Section 4650(a)(7)(C). The CDE does not, however, investigate allegations of child abuse but rather investigates the conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child or children or which may result in denial of a free and appropriate public education.

If the complaint of child abuse is “substantiated” or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation

will be transmitted by the law enforcement agency to the governing board of the local school district or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records.

In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code Section 11169 and notice will be provided to the alleged child abuser that he or she has been reported to the Child Abuse Central Index, as maintained by the Department of Justice.

*This guidance is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this guidance that is not supported by a specific statutory and/or regulatory requirement is not prescriptive pursuant to California Education Code Section 33308.5.*

## **PLAN FOR SOCIAL MEDIA REVIEW FOR SCHOOL SAFETY**

Student safety and the creation of a safe school environment are paramount objectives for the Ceres Unified School District (“District”). In order to ensure a safe school environment, from time to time, the District may gather or maintain information from student social media accounts that pertains to school safety or student safety. As such, in compliance with California Education Code section 49073.6, the District has adopted this Plan for Student Social Media Review (“Plan”) which details the acceptable practices under which the District may gather or maintain student information from social media.

For the purposes of this Plan, “social media” means an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations. Social media shall not include an electronic service or account used exclusively for educational purposes or primarily to facilitate creation of school-sponsored publications, such as a yearbook or pupil newspaper, under the direction or control of a school, teacher, or yearbook adviser.

1. District staff may be granted the authority to conduct reviews of student social media, including an Internet search of public content, for material pertaining to school safety or student safety. The Superintendent, Principal, or their designee(s) shall be granted authority pursuant to this Plan to conduct such reviews.
2. The purpose of any student social media review should be to only gather or maintain information pursuant to this Plan that pertains to school safety or to student safety.
3. Information gathered or maintained by the District pursuant to this Plan shall constitute student records. Parents, guardians, and students may access any information gathered or maintained in accordance with this Plan.
4. Student information gathered pursuant to this Plan shall be destroyed by the District at the earlier of one (1) year after such student turns eighteen (18) years of age or one (1) year after the student is no longer enrolled in the District.

Nothing in this Plan shall limit or prevent the District from performing individualized investigations of alleged student misconduct, violation of school rules, illegal activity, or violation of the District’s board policies or administrative regulations and gathering or maintaining information pertinent to that investigation. Such investigations are not subject to the requirements of this Plan.