

ANNUAL NOTICE TO PARENTS/GUARDIANS 2019-2020

This is the annual notice to parents/guardians of Fallbrook Union Elementary School District, (“District”), which is required by law. This notice provides information to parents/guardians about federal laws and state education codes, as well as information relating to rights of parents/guardians of children.

PRIVACY AND INFORMATION RIGHTS

RIGHTS RELATING TO PUPIL RECORDS

Parents/guardians of enrolled or former pupils have an absolute right to access any and all pupil records related to their children that are maintained by the District. “Pupil record” means any item of information directly related to an identifiable pupil, other than directory information, that is maintained by a school district or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means.

Parents/guardians may review individual records by making a request to the school Principal. The District has five (5) business days following the date of the request to provide access to the pupil records. Copies of records may be requested and a small fee may be charged by the school site. The District is required to retain enrollment and scholarship records of students indefinitely. A log or record shall be maintained for each pupil's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests therefor. The log or record shall be open for inspection by a parent at the school office. The school Principal is responsible for the maintenance of each type of record. (*Education Code (E.C). §§ 49060, 49063, 49064, 49069, 49070, and 49073; Family Educational Rights and Privacy Act (“FERPA”)*)

CHALLENGING CONTENT OF PUPIL RECORDS

Parents/guardians have the right to request the amendment of their child's pupil records that the parent/guardian believes to be any of the following: (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 noted; (5) misleading; or (6) in violation of the privacy or other rights of the pupil. The parent should submit the request in writing to the school Principal, which clearly identifies the part of the record that the parent is challenging and the reason(s) therefor. If the District decides not to amend the record as requested by the parent, the District will notify the parent of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent when notified of the right to a hearing. (*E.C. §§ 49070 and 49063*)

RELEASE OF INFORMATION ABOUT STUDENTS

Information other than directory information is not provided to individuals or groups other than school personnel without written parent consent. Certain groups are permitted directory information about your child without your consent. Directory information is the student's name, birthdate, email address, address, telephone number, dates of attendance, awards, previous school attendance, offices held, and participation in school activities. The groups to which school officials will give directory information include school personnel with legitimate educational interests, schools of intended enrollment, federal and state educational administrators, representatives of organized parent groups, reunion-planning committees, and representatives of the news media.

If you do not wish to have directory information released about your child, please write a brief signed note to your school principal requesting that this information not be shared. (*E.C. §§ 49063, 49064, 49068, 49073, 49074, 49076, and 49076.5*)

Parents have a 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 is:

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

RELEASE OF INFORMATION PURSUANT TO COURT ORDER OR SUBPOENA

Information concerning a student shall be furnished in compliance with a court order or a lawfully issued subpoena. The District shall make a reasonable effort to notify the parent and the pupil in advance. (E.C. § 49077)

CONFIDENTIALITY OF INFORMATION ABOUT INDIVIDUALS WITH EXCEPTIONAL NEEDS

The District may not release information from the education records of an individual with exceptional needs to any public agencies without first obtaining parental consent, unless the information is contained in the education records and the disclosure is authorized without parental consent under FERPA. (E.C. § 56515(c)).

APPEARANCE OF STUDENTS IN VIDEO/TELEVISION

Often videos are filmed to share school programs. These videos can appear on television. Sometimes film crews come to campus to film events. Newspaper photographers also visit our campuses to highlight educational activities. If you do not want your child to appear as a featured student in one of these videos, or newspaper articles, please write a brief signed note to your school principal requesting that your child not appear. The District cannot guarantee that a student will not appear in the background of a video or television program, or newspaper article, even when the student’s parents or guardians have requested that the student not appear.

PERSONAL BELIEFS AND STUDENT SURVEYS

Tests, questionnaires, or examinations containing questions about the student’s or the student’s family’s personal beliefs or practices in sex, family life, morality, and religion may not be given to pupils unless the parent or guardian is notified in writing and gives written permission. (E.C. § 51513)

AVAILABILITY OF PROSPECTUS

Each school site shall create a prospectus which includes the curriculum, including titles, descriptions, and instructional aims of every course offered. The prospectus shall be made available upon request by parent or guardian. (E.C. § 49091.14)

TRANSFER OF RECORDS

The District is required to transfer a copy of your child’s permanent pupil records to the school in which your child intends to enroll within 10 school days following the date the request is received. (E.C. § 49068)

DISCIPLINE

RULES AND PROCEDURES ON STUDENT DISCIPLINE

Rules pertaining to student discipline, including those that govern suspension or expulsion, are outlined in Education Code §48900 *et seq.* and are available from the site principal. They are communicated annually to students. (E.C. §§ 35291 and 35291.5)

PARENTS HAVE THE FOLLOWING RIGHTS/DUTIES REGARDING STUDENT DISCIPLINE

Parents have the right to:

- Participate in the formation of the school's written policy;
- Appeal any suspension or expulsion by contacting Student Services Administrator at 760-731-5442 to arrange a meeting;
- Appeal the discipline by a teacher or administrator by contacting that person’s supervisor;
- Receive a written copy of the school's rules and procedures on discipline; and
- Know that their children will not receive corporal punishment. (E.C. §§ 35291,35291.5, 48900,49001,48900.1, and 48904).

According to law, parents must:

- Request and attend conferences regarding the discipline of their children;
- Spend a portion of the day in an unruly child’s classroom;
- Assume liability for willful conduct of their children which results in injury to another pupil or to District personnel; and
- Assume liability (up to \$10,000) for damage to school property caused by a minor’s willful misconduct.

SCHOOLS HAVE THE FOLLOWING DUTIES REGARDING STUDENT DISCIPLINE

According to law, school teachers, staff and officials:

- Must hold students responsible;
- Must fairly and equitably enforce the written policies of the school and District;
- May withhold grades, diplomas or transcripts of the pupil responsible for damage or loss of property until such damages are paid or until completion of a voluntary work program in lieu of payment of monetary damages;
- Are working on eradicating gangs and gang activities. The District does not permit gangs and gang paraphernalia, clothes, writings, tags or any form of gang activity on its campuses and at its activities; and,
- Are working on eradicating hate crimes. The District has a policy which states that all students, staff, and parents have the right to be free from any hate crime which includes, but is not limited to, abusive statements or behavior which degrades an individual on the basis of race, ethnicity, nationality, immigration status, gender, gender identity, gender expression, sexual orientation, physical or mental disability, religious beliefs, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code.
- Every teacher shall hold pupils accountable for their conduct on the way to and from school, on the playgrounds, or during recess.

The District is committed to maintaining a learning and working environment that is free from bullying. Any student who engages in bullying of anyone in or from the District may be subject to disciplinary action, up to and including, expulsion. (*E.C. §§ 35291.5, 48915, 44807, and 35183; Board Policy (B.P.) § 5144, and Administrative Regulation*)

STUDENT RESPONSIBILITIES REGARDING DISCIPLINE

According to law and policy, students must:

- Attend school punctually and regularly.
- Obey all school and classroom rules while at school, at school activities, and on the way to and from school activities.
- Obey promptly all the directions of the teacher and others in authority.
- Observe good order and proper behavior.
- Be diligent in study.
- Be kind and courteous to others.
- Refrain entirely from the use of profane and vulgar language.
- Not visit other schools or be within two blocks of a school while school is in session and one hour before and after that session unless attending a school-sponsored event with prior permission of that site's principal.
- Remain on campus once they have arrived and follow the rules regarding leaving campus. All Fallbrook Union Elementary Schools have closed campuses. (*E.C. §§ 35291, 35291.5, and 48915; 300 et. seq. of Title 5 of the California Code of Regulations (C.C.R.)*).

HAZING

Pupils or other persons in attendance at any public or private educational institution shall refrain from engaging or attempting to engage in hazing. Hazing is a basis for suspension or expulsion of a student. *E.C. § 48900(q)* defines hazing as a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an education institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. *E.C. § 48900(q)* excludes athletic events or school sanctioned events from the definition of "hazing." (*E.C. § 48900(q)*)

BULLYING PROHIBITION

The District may suspend or expel students for bullying, including cyberbullying (*E.C. § 48900(r)*). Bullying is any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act directed toward one or more pupils that has or can be reasonably predicted to have the effect of, one or more of the following:

- Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- Substantial interference with academic performance.
- Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from school services, activities, or privileges. (*E.C. § 48900(r)*)

Cyberbullying is an act of bullying conducted via electronic communication technology (e.g., text messages, e-mails, blogs, postings on a social network Internet Web site, videos) and meets the impact of bullying. Cyber sexual bullying means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that meets the impact of bullying. (*E.C. § 48900(r) (2) (A) (iii)*.) A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually

explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

As stated above, the District is committed to maintaining a learning and working environment that is free from bullying. Any staff member who observes, overhears or otherwise witnesses such actions or to whom such actions have been reported must take prompt and appropriate action to stop the behavior and to prevent its reoccurrence. Students who observe, overhear or otherwise witness such actions must report them to a staff member. Parents or guardians and District visitors are also encouraged to report the behaviors to a staff member

ATTENDANCE

RESIDENCY REQUIREMENTS

Each person between the ages of 6 and 18 years (and not exempted) is subject to compulsory full-time education. Each person subject to compulsory full-time education and not exempted shall attend the public full-time day school and for the full time designated as the length of the school day by the governing board of the school district in which the residency of either the parent or legal guardian is located.

A pupil may alternatively comply with the residency requirements for school attendance in a school district, if he or she meets any of the following:

- Placed within the boundaries of the school district in a foster home or licensed children's institution as defined in Section 56155.5 or a family home within the boundaries of the school district pursuant to a commitment or a placement under the Welfare and Institutions Code;
- A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (d) and (e) of Section 48853.5.
- A pupil for whom interdistrict transfer has been approved;
- An emancipated pupil who resides within the boundaries of the school district;
- A pupil who lives in the home of a care giving adult that is located within the boundaries of the school district with appropriate paperwork on file with the District;
- A pupil residing in a state hospital located within the boundaries of the school district;
- A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week;
- A school district may also deem a pupil as having complied with the residency requirements for school attendance in the school district if one or both of the parents or legal guardians of the pupil are physically employed within the boundaries of the school district for a minimum of 10 hours during the school week;
- A pupil whose parent is transferred or is pending transfer to a military installation within the boundaries of the school district while on active military duty pursuant to an official military order;
- A pupil whose parent or parents were residents of this state and have departed California against their will, and if the pupil seeks admission to a school of a school district, shall be admitted, regardless of his or her current residency, provided the pupil has:
 - Official documentation evidencing the departure of his or her parent or legal guardian;
 - Moved outside of California as a result of his or her parent or legal guardian departing against their will and the pupil lived in California immediately before moving outside of California; and,
 - Provides documentation that the pupil was enrolled in a California public school immediately before moving outside of California. (EC §§ 48200, 48204, 48204.3, 48204.4)

NOTIFICATION

If a child is absent, the parent is to call the school as early as possible. If the school does not receive a call or note from the parent, the school will notify the parent when the student is not in school. In order to avoid being disrupted while you are at work, please call or send a note. (5 C.C.R. § 306)

EXCUSED ABSENCES (E.C. § 48205)

A student will be excused from school only when the absence is:

- Due to the student's illness.
- Due to quarantine under the direction of a county or city health officer.
- For the purpose of having medical, dental, optometric, or chiropractic services rendered.

- 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.
- For the purpose of jury duty in the manner provided for by law.
- Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent.
- 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, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the student'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.
- For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- For the purpose of spending time with a member of the student's **immediate family**, who is an active duty member of the uniformed services, as defined in E.C. § 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.
- For the purpose of attending the student's naturalization ceremony to become a United States citizen...

A student 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 therefor. The teacher of any class from which a student is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the absence.

For purposes of E.C. § 48205, attendance at religious retreats shall not exceed four hours per semester.

"Immediate family," as used in E.C. § 48205, means the mother, father, grandmother, grandfather, or a grandchild of the student or of the spouse of the student, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the student, or any relative living in the immediate household of the student.

Absences pursuant to E.C. § 48205 are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

GRADE REDUCTION/LOSS OF ACADEMIC CREDIT (E.C. § 48980(ji))

No student shall have his/her grade reduced or lose academic credit for any excused absence pursuant to E.C. 48205 for missed assignments/tests that can reasonably be provided and satisfactorily completed.

ABSENCES FOR RELIGIOUS INSTRUCTION/EXERCISE

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to administrative regulations and law. (E.C. § 46014)

INTRADISTRICT OPEN ENROLLMENT LOTTERY

State law requires school districts to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The policy must comply with the following limitations:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which a school receives requests for admission in excess of the openings at the school, the selection process must be random and unbiased.
- School districts cannot use a student's academic or athletic performance as a reason to accept or reject a transfer.
- School districts must decide the number of openings at each school which can be filled by transfer students.
- School districts have the authority to keep appropriate racial and ethnic balances among its schools at the school districts' discretion or as specified in applicable court-ordered or voluntary desegregation plans.
- School districts are not required to provide transportation assistance to a student that transfers to another school in the district.
- If the school denies a parent's transfer request, the parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to establish an appeal process for parents regarding decisions denying a parent's transfer request.

Parent(s) may select the school their child attends within the district where space is available. More information can be obtained from the Student Services Office. (E.C. §§ 35160.5, 35351, and 48204)

INTERDISTRICT TRANSFERS

State law permits two or more school districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. Any request for interdistrict transfer received 15 or fewer calendar days before the start of instruction in the school year for which the transfer is sought, the school district must notify the parent of its final decision within 30 calendar days of receiving the request. For requests received 16 or more calendar days before the start of instruction in the school year for which the transfer is sought, the school district must notify the parent as soon as possible, but no later than 14 calendar days after the start of instruction in that school year. A parent may appeal either school district's decision to deny a request for interdistrict transfer, within 30 calendar days of the date of the school district's final denial to the county board of education. Please refer to the District's website at <https://www.fuesd.org> for more information on the specific procedures and timelines for interdistrict transfer requests. (E.C. §§ 46600, 46601)

INTERDISTRICT TRANSFERS: ACTIVE MILITARY DUTY PARENT

School districts of residence may not deny a transfer of a student whose parent is active duty military where the district of proposed enrollment approves the application. If either district denies a transfer request, a parent may appeal that decision to the county board of education. A school district of residence shall not prohibit the transfer of a pupil who is a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the application for transfer. (E.C. § 46600)

PARENT EMPLOYMENT RELATED TRANSFERS

A school pupil, whose parent/guardian is employed within the boundaries of a school district other than that of the district of residence, may apply for an Interdistrict transfer to the non-residence school district. However, it is still up to both districts to decide whether the transfer will be granted based on limits imposed by law for such transfers. More information regarding your Interdistrict transfer options are available at your school of residence. (E.C. § 48204)

CALIFORNIA OPEN ENROLLMENT ACT

The State of California Open Enrollment Act establishes a list of 1,000 "low achieving" schools for each school year. Parents/guardians at one of the 1,000 California Open Enrollment schools have the option to request a transfer to another school with a higher API school within or outside of the District. Information regarding the application process and applicable deadlines can be obtained from the district office. The District will notify parents of students attending a school on the list of their option to transfer to another public school on or before the first day of the school year. An application requesting a transfer shall be submitted by the parent of a student to the school district of enrollment prior to January 1 of the school year preceding the school year for which the pupil is requesting to transfer. (E.C. § 48350 et seq.)

TEMPORARILY DISABLED STUDENT: INDIVIDUAL INSTRUCTION

Individual instruction is available for pupils, at home or in hospitals, which have a temporary disability not covered under the special education provision. The parent of a pupil with a temporary disability who is in a hospital or other residential health facility shall notify the District in the area where the pupil is receiving care if an individualized instructional program is desired. Pupils hospitalized with a temporary disability are deemed residents of the district in which the hospital is located. (E.C. §§ 48206.3, 48207-48208, and 48980(b))

INSTRUCTION

SCHOOL ACCOUNTABILITY REPORT CARD

School districts must provide parents and guardians with a copy of the school accountability report card and make a concerted effort to notify parents of the purpose of the school accountability report cards. (E.C. §§ 33126, 35256)

CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)

The Superintendent of Public Instruction shall design and implement, consistent with the timetable and plan required pursuant to E.C. § 60604(b), a statewide pupil assessment system consistent with the testing requirements of this article in accordance with the objectives set forth in E.C. §§ 60602.5 and 60604. The Superintendent of Public Instruction shall make information and resources available to parents, teachers, pupils, administrators, school board members, and the public regarding the CAASPP, including, but not necessarily limited to, system goals, purposes, scoring systems, results, valid uses of assessments, and information on the relationship between performance on the previous state assessments and the CAASPP. Students in applicable grade levels will participate in the CAASPP unless exempted by law. Notwithstanding any other provision of law, a parent's or guardian's written request to school officials to excuse his or her child from any or all parts of the assessments administered pursuant to E.C. § 60600 et seq. shall be granted. (E.C. §§ 60600 et seq.; 5 C.C.R. 852)

RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS

Students have the right to refuse to attend courses of instruction involving the harmful or destructive use of animals based on moral objections. If the pupil chooses to refrain from participation in an education project involving the harmful or destructive use of animals, and if the teacher believes that an adequate alternative education project is possible, the teacher may work with the pupil to develop and agree upon an alternative education project for the purpose of providing the pupil an alternative avenue for obtaining the knowledge, information, or experience required by the course of study in question. (*E.C. §§ 32255, 32255.1, 32255.3, 32255.4, and 32255.5*)

RELIGIOUS BELIEFS

Whenever any part of the instruction of health, family life decisions, or sex education conflicts with the religious training and beliefs; or personal moral convictions of the parent/guardian of any student, the student shall be excused from such training upon written request of the parent/guardian. (*E.C. § 51240*)

SEX EDUCATION AND AIDS/H.I.V. EDUCATION AND PREVENTION COURSES

The California Healthy Youth Act (EC § 51930 *et seq.*) requires that schools teach information about sexual health education and HIV prevention at least once to students in middle school and at least once in high school. The District is required to notify parents at the start of each school year regarding the instruction in comprehensive sexual health education and HIV prevention education and research on student health behaviors and risks planned for the school year. The District must notify parents whether the instruction will be taught by school personnel or by outside consultants. If arrangements for this instruction are made after the beginning of the school year, parents will be notified no fewer than 14 days before the instruction is delivered. If the District holds an assembly to deliver the instruction by guest speakers, or provides the instruction in class by outside consultants, the District must notify parents of the date that the instruction will commence and the name of the organization of each guest speaker.

Parents have 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. Opportunity shall be provided to each parent to request, in writing, that his/her child not attend the class. Those students whose parents do not submit a written request to excuse them will receive the instruction. Parents have a right to request from the District a copy of the California Healthy Youth Act (EC § 51930 *et seq.*). Additionally, the educational materials used in sexual education or HIV prevention education classes will be available for inspection by parents.

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

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

Anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex, may be administered to any pupil in grades 7 to 12, inclusive. Opportunity shall be provided to each parent to request, in writing, that his/her child in grades 7 to 12, inclusive, be excluded from such tests, questionnaires, or surveys. Parents or guardians have a right to review the test, questionnaire, or survey if they wish. (*E.C. §§ 51240, 51934, 51937, 51938 and 51939*)

SEX EQUITY IN CAREER PLANNING

The District will notify parents in advance of career counseling and course selection commencing with course selection for Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions. (*E.C. § 221.5(d)*)

DRUG EDUCATION

State law requires that instruction on drug education be given to students in elementary and secondary schools and that this education cover the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances. (*E.C. § 51260*)

PARTICIPATION IN PROMOTION

Students may not participate in promotion ceremonies unless they meet all of the District's requirements for promotion.

COMPLAINTS CONCERNING DEFICIENCIES RELATED TO INSTRUCTIONAL MATERIALS

State law requires a notice to be posted in each classroom in each school regarding the requirement of schools to have sufficient textbooks and instructional materials, clean and safe facilities, and no teacher vacancies or mis assignments as defined. Forms to file a complaint of deficiencies are available at the District office. The notice will include that:

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or mis assignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present. *Teacher vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. *Mis assignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

A complaint form may be obtained at the school office, District office, or downloaded from the District's website. You may also download a copy of the California Department of Education complaint form from the following website: <http://www.cde.ca.gov/re/cp/uc/>. (E.C. § 35186)

MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS

Parents and guardians shall be notified of the schedule of minimum days and pupil-free staff development days at the beginning of the school year or as early as possible, but not later than one month before the scheduled minimum or pupil-free day. Please refer to the 2019-2020 school calendar for the schedule of minimum days and pupil-free staff development days available online at <https://www.fuesd.org>. (E.C. § 48980(c))

INSTRUCTION DURING HOSPITALIZATION OR RECUPERATION

Parents who request instruction for their seriously ill children should request the instruction by obtaining an application at their home school. (E.C. §§ 48206.3, 48207, 48208)

EDUCATION FOR DISABLED CHILDREN

Special education services are available to meet the needs of students who have been identified as having one or more qualified disabilities. If the service is not available in a public school, placement may be made in an approved, private, non-sectarian school. Contact the Executive Director of Pupil Personnel Services at 760-731-5412 for specific information about the services for special education students. (E.C. § 56030 and *Individuals with Disabilities Education Act*)

Section 504 of the Rehabilitation Act of 1973 requires school districts to provide education and accommodations for students with identified disabilities even if they do not qualify for special education. It is the policy of the District to provide a free appropriate public education to each student with disabilities regardless of the nature or the severity of the disability.

Parents who believe their children may have a disability are to contact the principal of the school to arrange for a Student Study Team meeting to review the student's academic progress.

State regulations require that the District establish procedures to deal with complaints regarding special education. If you believe the District is in violation of federal or state law governing the identification or placement of special education students, or similar issues, you may file a written complaint with the District. State regulations require that the District forward your complaint to the State Superintendent of Public Instruction. Procedures are available from your principal. (E.C. § 56502 and 5 C.C.R § 3080 and E.C. § 56502)

ALTERNATIVE SCHOOLS

State law authorizes districts to offer alternative schools. The District currently offers the following alternative education programs: Independent Study, Home Education, and Santa Margarita Leadership Academy (Community Day School). (E.C. §§ 58501, 58502)

STUDENT ACCESS TO THE INTERNET/ON-LINE SERVICES

The District has established regulations governing access to technology that are age appropriate. These regulations prohibit access to harmful matters on the Internet, which may be obscene or pornographic and other misuses of the system. Users of the system will have no expectations of privacy and understand that District staff may monitor or examine all system activities to ensure proper use of the system. Students, who fail to abide by District rules, shall be subject to disciplinary action, evocation of the user account, and legal action as appropriate. (AB 132 [Ch.86, *Statutes of 1997*]).

MINIMUM AGE OF ADMISSION TO KINDERGARTEN

A child shall be eligible for enrollment in kindergarten at the beginning of the school year or at a later time in the same year, if the child has his or her fifth birthday on or before September 1 of the current school year and each school year thereafter. Any child who will have his/her birthday between September 2 and December 2 shall be offered a transitional kindergarten program in accordance with law and district policy. On a case-by-case basis, a child who has reached age five after the date listed above but before the end of the applicable school year, may be admitted to kindergarten with the approval of the child's parent or guardian and subject to board approval in accordance with *E.C. § 48000(b)*. Beginning in the 2015-16 school year and each school year thereafter, a school district or charter school may, at any time during a school year, admit a child who will have his or her fifth birthday after December 2 but during that same school year, may be admitted to transitional kindergarten subject to the conditions outlined in *E.C. § 48000(c)(3)(B)*. (*E.C. § 48000*)

EVERY STUDENT SUCCEEDS ACT

RETENTION

Except as provided in *E.C. § 51101(d)*, the parents and guardians have the right to be notified, as early in the school year as practicable, if their child is identified as being at risk of retention and of their right to consult with school personnel. (*E.C. § 51101 (a) (16)*)

NOTICES TO PARENTS IN LANGUAGE OTHER THAN ENGLISH

When 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 speak a single primary language other than English, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or school district shall, in addition to being written in English, be written in such primary language, and may be responded to either in English or primary language. (*E.C. § 48985*)

LEVEL OF STUDENT ACHIEVEMENT

The school should provide each parent information on the level of achievement of his/her child in each of the State's academic assessments and timely notice that the child has been assigned or has been taught for four or more consecutive weeks by a teacher who is not highly qualified. (*20 (U.S.C.) § 6312(e) (1) (B)*)

ENGLISH LEARNER PARENTAL NOTIFICATION

The school must inform parents not later than 30 days after the beginning of the school year for the child regarding limited English proficiency programs, including the reasons for the identification of the student as an English learner, the need of placement in a language instruction educational program, the student's level of English proficiency and how such level was assessed, the status of the student's academic achievement, the methods of instruction used in the programs available, how the recommended program will meet the student's needs, program performance, parent options to remove a student from a program and/or decline initial enrollment, an expected rate of transition into classrooms not tailored for English learners. (*20 USC § 6312(e) (3) (A)*)

TEACHER QUALIFICATIONS

At the beginning of each school year, all school districts are required to notify parents of children in schools receiving Title I funds that they have the right to request and receive timely information on the professional qualifications of classroom teachers including state qualifications, licensing for the grade level or subject areas in which the teacher provides instruction, field of discipline, and whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived. Additionally, parents of students have the right to request and receive timely information on the professional qualifications of paraprofessionals who provide services to the student. Requests should be made in writing and given to the school site Principal. (*20 USC § 6312(e) (1) (A)*)

INVESTING FOR FUTURE EDUCATION

The District encourages parents or guardians to invest in higher education for their children and to consider appropriate investment options, including, but not limited to, United States savings bonds. (*E.C. § 48980(d)*)

HEALTH

IMMUNIZATION FOR COMMUNICABLE DISEASES

With parental consent, the District may administer immunizing agents to students to prevent or control communicable disease. (*E.C. § 49403*)

EXCLUSION; IMMUNIZATIONS

The county office of education or the District shall exclude any pupil who has not been immunized properly. The District shall notify the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly

immunized, or that the pupil is exempted from the immunization requirement pursuant to Section 120365 or 120370 of the Health and Safety Code. (E.C. § 48216)

PROOF OF IMMUNIZATIONS

Effective July 1, 2016, Senate Bill (S.B.) 277 eliminates the exemption from specified immunization requirements based upon personal beliefs. The District may not unconditionally admit for the first time, or admit or advance any pupil to the 7th grade level unless the pupil has been fully immunized as required by S.B. 277. Additionally, this bill restricts the District from unconditionally admitting or advancing certain students. The District shall require documentary proof of each entrant's immunization status, and will periodically review the immunization records as required. S.B. 277 does not apply to students who are in home-based private schools or students enrolled in independent study programs and not receiving classroom-based instruction. S.B. 277 does not prohibit a pupil who qualifies for an individualized education program (IEP), pursuant to federal law and Section 56026 of the Education Code, from accessing any special education and related services required by his or her IEP. S.B. 277 provides a limited exemption from immunization for medical reasons. A pupil who, prior to January 1, 2016, submitted a letter or affidavit on file with the District stating beliefs opposed to immunization shall be allowed enrollment to any District school until the pupil enrolls in the next grade span. Grade span means (1) from birth to preschool; (2) Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten; and (3) grades 7 to 12 inclusive. (S.B. 277)

CONTINUING MEDICATION

The parent of a student on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent of the pupil, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omissions, or overdose. (E.C. § 49480)

CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM

All children must have documentation of an appropriate health screening and evaluation service within 18 months prior to entering first grade or within 90 days after the student's entrance into the first grade. Information is available in the school office regarding free health screening. If parents do not wish to have a child receive a physical examination, a signed waiver must be provided to the school. Failure to provide certification or sign a waiver may result in up to five days exclusion from school. (Health and Safety Code (H.S.C.) §§ 124085, 124100 and 124105)

ORAL HEALTH ASSESSMENT

California law requires that a child in kindergarten or first grade, whichever is his/her first year of public school, have an oral health assessment before May 31 of the school year in which they first enroll. The law specifies that the assessment must be performed by a licensed dentist or other licensed or registered dental health professional. The oral health assessment must have taken place within the 12 months before the child enters school. Information is available in the school office to help you find a dentist. If you cannot take your child for this assessment, you may be excused from this requirement by filling out a form that is available in the school office. (E.C. § 49452.8)

PHYSICAL EXAMINATION

A parent of a student may file annually with the principal of the school in which he/she is enrolled a statement in writing, signed by the parent, stating that he/she will not consent to a physical examination of the child, and the child will be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he/she shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (E.C. 49451)

STOCK EPINEPHRINE AUTO-INJECTOR

The District maintains epinephrine auto-injectors at every school site for emergency use only. A school nurse or trained school personnel who have volunteered may administer epinephrine to any student who may be experiencing anaphylaxis, regardless of known history. Anaphylaxis is a severe allergic reaction that usually has a rapid onset and may be fatal. Volunteers shall receive annual training that satisfies the requirements of Education Code section 49414(d). (E.C. § 49414)

AUTHORIZATION FOR MEDICATION ADMINISTRATION

Any pupil who is required to take, during the regular day, medication prescribed for him or her by a physician may be assisted by a school nurse or other designated school district personnel if the District receives: 1) A written statement from a physician licensed in the State of California detailing the method, amount, and time schedules by which such medication is to be taken. 2) Written authorization from the parent/guardian of the pupil indicating the desire that school district personnel assist the pupil in the matters set forth in the Physician's Statement (*Available in the school health office*). All medications will be stored in a secure location located in the school's office.

This authorization is valid only for the current school year. If any of the conditions in the Physician's Statement change, a new form must be signed by the parent/guardian and the physician.

Students may carry and self-administer prescription auto-injectable epinephrine and/or self-administered inhaled asthma medication upon receipt of the following: a written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the student is able to self-administer inhaled asthma medication, and a written statement from the parent, foster parent, or guardian of the student consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the healthcare provider of the student regarding any questions that may arise with regard to the medication, and releasing the District and school personnel from civil liability if the self-administering student suffers an adverse reaction by taking medication pursuant to this section. The written statements must be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. A student may be subject to disciplinary action pursuant to *E.C. § 48900* if that student uses inhaled asthma medication or auto-injectable epinephrine in a manner other than as prescribed. (*E.C. §§ 49423, 49423.1*)

Only medication prescribed by the pupil's physician as being necessary to be taken by the pupil in the manner listed on the Physician's Statement should be brought to the school. Medication should be in containers, which are clearly marked with the name of the pupil, the name of the prescribing physician, name of the medication, and the amount of medication.

A PHYSICIAN'S STATEMENT MUST BE COMPLETED PRIOR TO THE DISTRICT'S ADMINISTRATION OF MEDICATION. THIS FORM IS AVAILABLE IN THE SCHOOL HEALTH OFFICE

OVER-THE-COUNTER MEDICATIONS

When taken under a physician's care, these medications are considered prescription medications. The regulations, which apply to Prescription medications as outlined above, apply to over-the-counter medications (aspirin, Tylenol, inhalers, skin creams and other preparations, etc.)

Without the accompanying documentation listed above, over-the-counter medications cannot be administered at school and may not be in the possession of students. Under no circumstances are students to be in the possession of pills, cough syrups, inhalers, or any form of medication or medical supplies. All medicines and medical supplies are to be left in the custody of a District staff member.

With this information, we hope that you will be able to make your decision regarding whether your child is to receive medication at school. Physician Statement and Authorization for Medication Administration forms may be obtained from the health clerk at your child's site. All medications must be delivered to the school by the parent/guardian and his/her adult representative.

Should you have any questions regarding this policy, please contact the health technician at your child's school.

MEDICAL AND HOSPITAL SERVICES FOR PUPILS

The District serves as a Medi-Cal provider to the extent feasible, complies with all related legal requirements, and seeks reimbursement of costs to the extent allowed by law. (*BP/AR 5141.6*)

CONFIDENTIAL MEDICAL SERVICES

School authorities may excuse pupils in grades 7 and 8 from the school for the purpose of obtaining confidential medical services without the consent of the pupils' parent or guardian. (*E.C. § 46010.1*)

MEDICAL ASSISTANCE AT SCHOOL

The emergency card will be used to contact parents in the event of a medical emergency. The school will act in the absence of parent contact to ensure appropriate medical treatment is provided even if the parent cannot be reached. This means the school may make available medical or hospital services for students while at or on the way to or from any school activity. It is important to note on the emergency card any specific directions regarding emergency care. (*E.C. § 49472*)

ACCIDENT/INJURY INSURANCE

The District does not provide insurance to cover student accidents or injuries while the student is at school, going to or from school, or while attending school-sponsored activities. Insurance for students may be purchased by parents/guardians through a separate program at their school. (*E.C. § 49472*)

HEALTH SCREENING AND TESTS

School districts are required to provide the following tests/screenings:

- Sight (*E.C. §§ 49452 and 49455*)
- Hearing (*E.C. § 49452*)

Parents may request that students not take the sight test. (*E.C. § 49455*)

A student whose first enrollment or entry occurs in grade 4 or 7 will not be required to take the sight test in the year immediately following the pupil's first enrollment or entry. (*E.C. § 49455*)

Parents are required to arrange for a physical examination and oral health assessment before entering the 1st grade. (*H.S.C. §§ 124100 and 124105; E. C. § 49452.8*).

Free health screening is available through your local health department. Parents can refuse to have their children have a physical examination if they file a waiver with the principal. However, if that student appears to be suffering from a recognized contagious or infectious disease, that student will not be permitted to attend school until it is determined to the satisfaction of District representatives that a contagious or infectious disease does not exist. (*E.C. § 49451*)

STUDENT WELLNESS

Sun Protective Clothing/Use of Sunscreen (*E.C. § 35183.5*)

School sites must allow for outdoor use of sun-protective clothing and the use of sunscreen by students during the school day.

The District believes that promoting student health and nutrition enhances readiness for learning and increases student achievement. The goals of nutrition education are:

- To provide appropriate instruction for the acquisition of behaviors which contribute to healthy lifestyle for students.
- To teach, encourage and support healthy eating by students.

The following food items may not be provided or sold to pupils during the instructional day:

- Not more than 35% of its total calories shall be from fat.
- Not more than 10% of its total calories shall be from saturated fat.
- Not more than 35% of its total weight shall be composed of sugar, including naturally occurring and added sugar.
- Not more than 175 calories per individual food item. Grades K-6
- Not more than 250 calories per individual food item. Grades 7 & 8
- All food products are to be store bought. None are to be made from scratch at home.

The District encourages the use of non-food reward and healthy alternative snack choices when events for students are being planned (i.e. classroom parties, birthday celebrations). This includes teachers, parents, parent-teacher organizations, community groups, and others who plan celebrations or reward events for students.

Non-compliant food may be made available or sold to students provided:

- The items are sold by pupils off the school campus, or
- The items are sold by pupils of the school and the sale of those items takes place at least one-half hour after the end of the school day, or
- The sale of those items occurs during a school-sponsored pupil activity after the end of the school day. (*B.P. § 5030*)

FREE/REDUCED PRICE LUNCHES

Free or reduced-price meals may be available for pupils who receive public assistance. Program information and applications for free or reduced-price meals are available at the pupil's school site or online at fuesd.org (*E.C. §§ 48980(b), 49510, 49520 and 49558*)

YOUR CHILD'S SAFETY

All school visitors are required to check in at the school office as soon as they arrive. Parents must report to the office before going to a classroom. Parents who have a complaint are to request an appointment with the teacher or classified employee and the principal. No disruption of school activities or verbal/physical assaults will be tolerated by visitors on campus.

The District is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The District encourages the promotion of positive interpersonal relations between members of the school community. Aggressive behavior, bullying, harassment, and similar acts toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal (oral or written), electronically transmitted (cyber or high-tech), and psychological abuse. The District will not tolerate any gestures, comments, threats, or actions, which cause or threaten to cause bodily harm or personal degradation.

SUICIDE PREVENTION

The District recognizes the severity of the youth suicide problem and finds it imperative that all staff, students, and parents/guardians be made aware of warning signs and procedures by which they may help suicidal students. Accordingly, the District has adopted a suicide prevention program that provides training and instruction for the school community pursuant to BP 5141.52 and AR 5141.52.

TOBACCO-FREE SCHOOLS/SMOKING

Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of second-hand smoke. In the best interests of students, employees, and the general public, the District prohibits the use of tobacco products at all times on District property and in district vehicles. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes and other types of ENDS systems, and non-nicotine vaporized solutions. (Vapor systems, e-VAPES, digital vapor system, hookah, hookah pen, pencil, device, e-hookah, etc.) This prohibition applies to all employees, students, visitors, and other persons at any school or school-sponsored activity or athletic event. It applies to any meeting on any property owned, leased, or rented by or from the district. Students interested in smoking cessation programs may contact their principal or counselor for information.

Possession, use or sale of narcotics, alcohol or other controlled substances is prohibited and strictly enforced at all school activities. Records will be forwarded to local law enforcement, and District sanctions will result from violations.

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of District employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (*E.C. §§ 48900 and 48901*)

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground, except on a public sidewalk located within 25 feet of the playground, is prohibited by law. (*H.S.C. § 104495*)

Each school has a disaster preparedness plan and a crisis team. Each school conducts regular fire, earthquake, and disaster drills. For a copy of your school's plan, contact your principal.

Your school has an asbestos management plan. Contact your school principal for a copy. (*40 C.F.R § 763.93*)

School personnel receive yearly updates on disease prevention. Employees are required to have current TB tests.

Each site has a safety committee, which examines safety issues and ensures a safe campus. If you have any concerns about safety items at your school, contact your principal who can advise you of the proper way to address your safety concerns.

Each school annually reviews and updates its comprehensive School Safety Plan by March 1. A new school campus adopts a comprehensive School Safety Plan within one year of initiating operation, and reviews and updates its plan by March 1 every year thereafter. Before adopting its Safety Plan, you will be notified that the school will hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the plan. Each school site reports on the status of its School Safety Plan each July, including description of its key elements, in the annual School Accountability Report Card. (*E.C. §§ 32281, 32286, and 32288*)

No one, other than those designated on the emergency card, will be permitted to take your child from school.

CUSTODY LAW NOTIFICATION

Custody disputes must be handled by the courts. By law, if parents are legally separated or divorced, each parent has equal rights to the custody of the child/children unless one of them has a signed court order that indicates otherwise. The school has no legal right to refuse biological parent's access to their child/children and/or school records.

If a parent has a signed, current court order limiting the other parent or any other person, the parent must provide a copy of that order to the school. If a copy is not on file, the school is required by law to release children to their parents with proper identification. Situations that put the welfare of students in question will be handled at the discretion of the administration. In situations that become disruptive to the school, the Sheriff will be contacted, and a deputy will be requested to intervene.

Parents are asked to make every attempt not to involve schools in custody matters. Please have current information on file for your child/children. It is the parent(s) responsibility to provide the school with a certified copy of any court orders of which the school should be aware.

FINGERPRINTING PROGRAM

School districts are authorized to offer a voluntary fingerprinting program for children enrolled in kindergarten or newly enrolled in the District. If the District adopts such a program, parents will be notified upon enrollment of a student, and annually, of the availability of the program. The Governing Board shall assess a fee to the parent of the fingerprinted student, which shall be calculated to reimburse the District only for the actual costs associated with the program. Students will not be fingerprinted without the consent of the parent/guardian. (*E.C. § 32390*)

SCHOOL BUSES/PASSENGER SAFETY

Upon registration, parents or guardians of pupils not previously transported in a school bus shall receive written information on school bus safety. This applies to pupils in pre-kindergarten through grade eight. (*E.C. § 39831.5*)

PROHIBITED USES OF ELECTRONIC SIGNALING DEVICES

The District does not permit the use of a cellular/digital telephone, pager, or other mobile communications device during instructional time. Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person. No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician to be essential for the health of the student and use of which is limited to purposes related to the health of the student. (*E.C. § 48901.5; B.P. 5131*)

PROHIBITED USES OF LASER POINTERS

Students are prohibited from possessing a laser pointer, unless possession is for valid instruction. Students are further prohibited from directing the beam of a laser pointer into the eyes of another, into a moving vehicle, or into the eyes of a service animal or assistive animal. (*Penal Code (P.C.) § 417.27*)

UNSAFE SCHOOL CHOICE

Parents/guardians shall be notified of elementary and/or secondary schools considered to be “persistently dangerous” pursuant to California Department of Education guidelines and of available options. **Any** firearm violation must be considered in determining whether a school site is at risk of being classified as persistently dangerous. An “incident” of a firearm violation occurs when a person unlawfully brings or possesses a handgun, rifle, shotgun, or other type of firearm to school grounds during school hours or a school activity. (*5 C.C.R. §§ 11992, 11993 (k)*)

It is a criminal offense to openly display or expose any imitation firearm in a public place, including a public school. (*P.C. § 20170*)

MEGAN’S LAW NOTIFICATION

When a law enforcement agency reasonably suspects that children may be at risk from a registered sex offender, an agency may notify educational institutions. Any person who receives such sex offender information from a law enforcement agency may only disclose that information in the manner and to the extent authorized by the law enforcement agency. The District will collaborate with local law enforcement in order to determine the most responsible means of communication. Further information on “Megan’s Law” can be found on the web at www.meganslaw.ca.gov. (*P.C. § 290.45*)

VOLUNTEERS

Parents have the right to volunteer their time and resources for the improvement of school facilities and school programs under the supervision of District employees. Volunteers are required to fill out a form that is available in each school office. Volunteers shall fulfill the tuberculosis testing and loyalty oath qualifications. (*E.C. § 45349 and 49406(m)*) Regular volunteers (more than two days per week) shall satisfy the fingerprinting requirements pursuant to *E.C. § 45125*. (*E.C. § 51101(a) (3)*)

COUNSELING AND SUPPORT SERVICES

The District has support services and counseling provided. Currently, there are six credentialed school counselors (K-8) . Please see individual school site for availability regarding counseling.

NONDISCRIMINATION IN EDUCATION

STATEMENT OF NONDISCRIMINATION

The District is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on sex, gender, gender identity, gender expression, race, color, religion, national origin, ethnic group identification, immigration status, age, genetic information, marital or parental status, physical or mental disability, sexual orientation, or any other unlawful consideration, or the perception of one or more of such characteristics. The District shall

promote programs that ensure that these discriminatory practices are eliminated in all District activities. You have certain rights under the law, including Title VI of the Civil Rights Act of 1974, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Education for All Handicapped Children Act of 1975. The California Department of Education and the Office for Civil Rights of the United States Department of Education have authority to enforce these laws and all programs and activities that receive Federal funds. If you wish further details in this regard, or if you wish to file a complaint, please contact the District Superintendent (321 Iowa Street, Fallbrook, CA 92028, telephone (760) 731-5420, or the appropriate agency.)

SAFE PLACE TO LEARN ACT

The District has adopted policies pertaining to the following:

- 1) Prohibition of discrimination and harassment based on characteristics set forth in E.C. § 220 and Penal Code 422.55;
- 2) Process for receiving and investigating complaints of discrimination and harassment;
- 3) Maintenance of documentation of complaints and their resolution;
- 4) Process to ensure complaints are protected from retaliation and the identity of a complainant is kept confidential if appropriate; and
- 5) Identification of a responsible District officer to ensure compliance.

PUPIL PROTECTIONS RELATING TO IMMIGRATION AND CITIZENSHIP STATUS

Except as required by state or federal law or as required to administer a state or federally supported educational program, the District shall not collect information or documents regarding citizenship or immigration status of pupils or their family members.

Should any request be made for information or access to a school-site by an officer or employee of a law enforcement agency for the purpose of enforcing immigration laws, the District's Superintendent shall report to the Governing Board any such requests in a timely manner that ensures the confidentiality and privacy of any potentially identifying information.

If the District becomes aware that a pupil's parent or guardian is not available to care for the pupil, District staff shall first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. The District will not contact Child Protective Services to arrange for the pupil's care unless it is unable to arrange care through the use of emergency contact information provided by the parents or other information provided by the parent or guardian.

All children have a right to a free public education, regardless of immigration status or religious beliefs. Please visit the State of California's Attorney General's "Know Your Rights" page at <https://oag.ca.gov/immigrant/rights>. (E.C. § 234.7)

PREGNANT AND PARENTING PUPILS

The District may not apply any rule concerning a pupil's actual or potential parental, family, or marital status that treats pupils differently on the basis of sex. The District may not exclude nor deny any pupil from any educational program or activity, including class or extracurricular activity, solely on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, and shall treat these conditions in the same manner and under the same policies as any other temporary disabling condition. Pregnant or parenting pupils shall not be required to participate in pregnant minor programs or alternative education programs. Pregnant or parenting pupils who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program. Schools shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A pupil shall not incur an academic penalty as a result of his or her use of these accommodations. A pregnant or parenting pupil is entitled to 8 weeks of parental leave, or additional leave if deemed medically necessary by the pupil's physician. During parental leave, absences shall be excused and the pupil shall not be required to complete academic work or other school requirements. After return from parental leave, a pupil may resume the course of study in which he/she was previously enrolled and is entitled to make up work missed. (E.C. §§ 221.51, 222, 222.5, 46015.)

UNIFORM COMPLAINT PROCEDURES

The District has the primary responsibility for compliance with federal and state laws and regulations. Its Uniform Complaint Procedures (UCP) shall address allegations of unlawful discrimination, harassment, intimidation, and bullying; complaints alleging violation of state or federal laws governing educational programs; the charging of unlawful pupil fees, deposits, or other charges for participation in educational activities; and the non-compliance of our Local Control and Accountability Plan (LCAP). Pursuant to its UCP procedures, the District shall investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in E.C. §§ 200 and 220 and Government Code § 11135, including any actual or perceived characteristics as set forth in P.C. § 422.55 or on the basis of a person's association with a person or group

with one or more of these actual or perceived characteristics in any program or activity conducted by the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

The District shall also use its UCP when addressing complaints alleging failure to comply with state and/or federal laws regarding consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, and any other complaint specified in a District policy.

A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities. Additionally, the District's Board is required to adopt and annually update a LCAP, in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

The District designates its Associate Superintendent of Human Resources as its compliance officer. The District's UCP is outlined in BP 1312.3 and AR 1312.3, which are available online at <http://www.gamutonline.net/district/fallbrookunionesd/>. Copies of the District's UCP are also available free of charge at the District office.

The compliance officer shall begin his/her investigation within 10 business days after receiving a UCP-related complaint pursuant to District policy. Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation per District policy. The District shall investigate and resolve all UCP-related complaints within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint alleging retaliation, unlawful discrimination, harassment, intimidation and/or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation and/or bullying. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

Additionally, information regarding any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws; including the right to take a complaint directly to civil courts, alternative dispute resolution proceedings, the California Department of Education (CDE), or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) are also available on the District's website. In addition, the complainant has a right to appeal the District's decision to the CDE under *E.C. § 262.3* by filing a written appeal within 15 days of receiving the District's decision. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the District's decision.

SEXUAL HARASSMENT

Board Policy 5145.7

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person, who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The District strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and District procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such age appropriate instruction and information may include:

1. What acts and behavior constitute sexual harassment; including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence.
2. A clear message that students do not have to endure sexual harassment under any circumstance.
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained.
4. A clear message that student safety is the District's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved.
5. Information about the District's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable.

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 C.C.R. § 4964)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the District to monitor, address, and prevent repetitive harassing behavior in District schools.

Administrative Regulation 5145.7

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and E.C. § 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures:

Bill Billingsley, Associate Superintendent, Human Resources
The coordinator/compliance officer(s) may be contacted at:
321 Iowa Street, Fallbrook, CA 92028, (760) 731-5402.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body or overly personal conversation.
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
7. Massaging, grabbing, fondling, stroking, or brushing the body.
8. Touching an individual's body or clothes in a sexual way.
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex.
10. Displaying sexually suggestive objects.
11. Sexual assault, sexual battery, or sexual coercion.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the District's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a District compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee.

When a report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and District procedures specified in AR 1312.3.

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 C.C.R. § 4964)

However, when a complainant or victim of sexual harassment notifies the District of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the District's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the District will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the District of the harassment but requests that the District not pursue an investigation, the District will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such measures may include placing the individuals involved in separate classes or

transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

A copy of the District's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (*E.C. § 48980; 5 C.C.R. § 4917*)
2. Be displayed in a prominent location in the main administrative building or other area where notices of District rules, regulations, procedures, and standards of conduct are posted, including school web sites. (*E.C. § 231.5*)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session. (*E.C. § 231.5*)
4. Appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures, and standards of conduct. (*E.C. § 231.5*)

MISCELLANEOUS

DRESS CODE

Dress codes at individual schools shall conform to all applicable legal requirements. Pupil dress must meet the following standards: (a) the clothing is safe for the pupil and others, (b) it permits full participation in the educational program, and (c) it does not significantly distract others. Schools shall allow for outdoor use of sun protective clothing. Students may also use sunscreen during the school day with or without a physician's note or prescription. Additionally, gang- and drug- related clothing may be controlled under the conditions described below. (*E.C. §§ 35183 and 35183.5*)

GANG-RELATED CLOTHING

The District has determined that wearing gang-related clothing, on school premises or at school sponsored activities, poses a danger to pupils and disrupts instruction. Before controlling dress for gang-related reasons, the principal will conduct an appropriate investigation and determine (a) there has been gang-related activity on the campus, OR (b) weapons have been found on the school campus. Once either "a" or "b" above has been demonstrated, the principal shall devise regulations prohibiting the clothing believed to be gang-related apparel. The principal will then: (a) submit these regulations to the Governing Board, and (b) give notice of the gang-related apparel regulations to pupils and parents.

FEDERAL SURVEY CARDS

The District receives funds from the federal government on the basis of the number of children in our schools whose parents' employment is related with federal activities. The government stipulates that a survey be made in order for the District to be eligible to receive these funds. A survey card will be sent home for each child in the District. A card **must** be turned in for every child, even if his/her parents' work is not related to federal activities. Your cooperation in returning a completed card for your child will be appreciated regardless of whether or not there has been a change in your family status.

CHILDREN IN HOMELESS SITUATIONS

Each local school district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations.

IMPORTANT INFORMATION ABOUT SCHOOL FUNDING AND STUDENT ATTENDANCE

Beginning July 1, 1998, school districts will no longer receive funding from the State of California for pupils who are absent from school. This includes all absences, even those related to illness, medical or doctor appointments, or for the purpose of attending funeral services of a member of the immediate family.

The District will receive state funding only for students who actually attend school. If you find it necessary to keep your child out of school for reasons other than an illness, we encourage you to send your child to school for at least part of the day so that your child will not be counted absent and also will not miss out on important school assignments. It is crucial that local schools continue to receive the financial resources necessary to provide quality educational services and reduce program cuts. We want to avoid the unnecessary absences that reduce District resources and limit your child's opportunity to obtain good grades.

Studies show that there is a direct correlation between good school attendance and student achievement; therefore, we encourage you as parents to reinforce the importance of good school attendance and to make every effort to send your child to school on a regular basis.

Again, we encourage your continued support to promote good school attendance and student achievement.

PESTICIDE DISCLOSURE NOTICE

State law requires that you be given the following information: CAUTION – PESTICIDES ARE TOXIC CHEMICALS. Structural pest control companies are regulated by the Structural Pest Control Board and apply pesticides that are registered and approved by the California Department Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the state finds that based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of the exposure, so exposure should be minimized.

If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to live flu, immediately contact your physician or Poison Control Center at 800-876-4766 and the FUESD Facilities Department at 760731-5436, who will notify the pest control company under contract with the District.

For further information from the pest control company, contact the FUESD Facilities Department at 760-731-5436. For health questions, contact the County Health Department at 619-515-8695; and for application information, contact the County Agriculture Commissioner at 858-694-2741; and for regulatory information, contact the Structural Pest Control Board at 916-263-2540.

The District's current contractor for pest control is Fowler Pest Control – Phone 888-813-8861. The contracted frequency for exterior application is monthly with an on-call basis for interior application. The pests covered by contract include, but are not limited to, ants, roaches, mice, rats, spiders, fleas, silverfish, ticks, and any stored-grain pests. Applications, whether exterior or interior, are scheduled after 2:30 pm weekdays or during vacations unless an emergency arises, which would be serviced as soon as possible. It will be posted at the site office 24 hours prior to regularly-scheduled service and will remain posted for 72 hours after service.

The current most commonly used products include, but are not limited to, (listed with commercial name and active ingredient): Alpine (Dinotefuran), CB-80 (Pyrethrin), Generation (Difethialone), Maxforce (Hydramethylnon), Phantom (Chlorfenapyr), Termidor (Fipronil).

You can find more information regarding these pesticides and pesticide use reduction at the Department of Pesticide Regulation's Web site at <http://www.cdpr.ca.gov>.

Each site will have a logbook for the technician to post the service activities, which will contain information regarding date of application, pesticide used, percent of concentrate applied, areas treated and how applied, purpose of application and the time applied, any observations/comments and the technician's signature. This logbook will also contain the program, quality assurance, rules and regulations, and the Material Safety Data Sheets for products used by the company.

Parents or legal guardians of District students may register with the school site if they wish to receive notification of individual pesticide applications at the school site by contacting the office of Bill Billingsley, Assistant Superintendent of Human Resources at 760-731-5402. Persons who register for notification shall be notified of individual pesticide applications at least 72 hours before the application. The notice shall include the product name, the active ingredient or ingredients in the product, and the intended date of application. (*E.C. §§ 17612 and 48980.3*)