

Escondido Union School District

**RIGHTS AND
RESPONSIBILITIES
GUIDE**



Carilyn Gilbert Education Center
2310 Aldergrove Avenue
Escondido, California 92029
(760) 432-2400

www.eusd4kids.org



August 23, 2010

BOARD OF EDUCATION

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Welcome to the 2010-2011 school year. We are pleased to have your family with us in the Escondido Union School District. We look forward to providing your child with the highest possible learning experience. This booklet is a district guide to parent and student rights. It also contains information about available programs and services, with district contact names and telephone numbers. This booklet complements the elementary school parent handbook and the middle school handbook/student planner. These specific school documents provide greater details about individual school site expectations, responsibilities, and available services. I hope all parents will take a few minutes to review the contents of both booklets and discuss appropriate sections with your child.

Additional important information about our district may be found on the district web site at www.eusd4kids.org. The web site also links to individual school site web sites for upcoming school events.

Should you have a concern during the school year regarding your child's safety, well being, or instructional program, please do not hesitate to first contact your child's teacher at the elementary level, or the counselor or content teacher at the middle school level. Issues are easiest to address when they are "acorns," before growing into oak trees. The second level of communication regarding a concern is the school principal. Arranging a specific time for a telephone call or an appointment is usually more efficient than trying to catch a principal before- or after-school, or at a school event. Lastly, after all site communications have been exhausted, a parent may contact the Carilyn Gilbert Education Center with an unresolved concern at (760) 432-2172 for elementary schools or (760) 432-2247 for middle schools. Together, we can always determine a plan for your child's success.

Here's to a successful year for you and your child.

Sincerely,

Jennifer Walters
Superintendent of Schools
jwalters@eusd4kids.org

CARILYN GILBERT
EDUCATION CENTER
2310 Aldergrove Avenue
Escondido, CA 92029
Tel (760) 432-2400
Fax (760) 735-2874
www.eusd4kids.org

Annual Notification of Rights and Responsibilities

Introduction

Escondido Union School District (EUSD) welcomes the opportunity to comply with state and federal law to notify parents (when used in this notification “parent” includes a parent or legal guardian) of minor students of their parental rights. **California Education Code (EC) Section (§) 48980** requires school districts to notify parents in writing of their rights when a student enrolls in the district and **Section 48982** requires parents to sign the notification statements found in the Emergency Information card kept on file at each school site, to acknowledge that you have received notification of your rights as a parent. The signature is an acknowledgment that the parents have been informed of their rights, but does not indicate that consent to participate in any particular program has been either given or withheld. As stated by law, a parent’s lack of language ability in English will not be a barrier to admission and participation in district programs.

Some legislation requires additional notification to the parents or guardians during the school term or at least 15 days prior to a specific activity. This booklet provides a number of education code citations, outlines several key procedures, and includes several sample forms used by the district with regard to particular issues, should a need arise. Items marked with a ** reference specific documentation that can be found on our district’s web site at <http://www.eusd4kids.org> or can be provided upon request by contacting your local school. If you have further questions, please contact your local school office or Pupil Services Department at (760) 432-2247. The following rights, responsibilities, and protections are provided:

Access to Student Records and Information

In accordance with **EC 49063, 49069, 49073, 5 CCR 431(e), and FERPA**, full access to all personally identifiable written records maintained by the school district must be granted to:

1. Parents of students age 17 and younger;
2. Parents of students age 18 and older if the student is a dependent for tax purposes; and
3. Students age 16 and older or students who are enrolled in an institution of post-secondary instruction “eligible students.” (See attachment 1.)

Access to Student Records (EC 49068, 49069)—Parents of former or currently enrolled students, students age 16 and older, or students enrolled in a post-secondary institution have an absolute right to access of student records maintained by school districts or private schools.

Pupil Records: Inspection and Production (EC 49069)—Requires each school district to respond to a pupil record request by providing access no later than five business days following the date of request. Parents, or an eligible student, may review individual records by making a request to the principal. The principal will see that explanations and interpretations are provided if requested. Information that is alleged to be inaccurate, or inappropriate, may be removed upon request. In addition, parents (or eligible students) may receive a copy of any information in the records at a reasonable cost per page. District policies and procedures relating to location and types of records, kinds of information retained, persons responsible for records, directory information, access by other persons, and review and challenge of records are available through the principal at each school site.

Student Transfer (EC 48201)—When a student moves to a new district, that district must request records from the prior district regarding acts committed by the transferring student that resulted in suspension or expulsion. The new district must then inform the transferring students’ teacher(s) of the suspension and/or expulsion and the act that resulted in the discipline. At the time of transfer, parents (or eligible students) may review, receive a copy (at a reasonable fee), and/or challenge the records.

Directory Information (EC 49073)—Student directory information is available in accordance with state and federal law. EUSD policy gives parents the right to allow the release of directory information

a student’s name, a birth date, birthplace, address, telephone number, grade level, photograph, major course of study, participation in school activities, dates of attendance (year only), awards, and previous school attended to any agency or person, except private, profit-making organizations (other than employers, potential employers, or news media). No information shall be released when parents have notified the district in writing to withhold release of such information. Requests to withhold directory information must be submitted to EUSD within thirty (30) calendar days of this notification. (See attachment 2.)

Court Order for Records (EC 49077)—Schools will make a reasonable effort to notify parents in advance of compliance with court order for records.

HIPAA: The Health Insurance Portability and Accountability Act of 1996—HIPAA required the U.S. Department of Health and Human Services (U.S. DHHS) to develop a series of rules governing health information. In general, the rules are intended to standardize the communication of electronic health information between health care providers and health insurers. In addition, the rules are intended to protect the privacy and security of individually identifiable health information.

Complaints—Parents may complain to site administration if they believe that we have violated their privacy rights. File a complaint in writing to school principal. Parents may also file a complaint with the Secretary of the U.S. DHHS. Complaints filed directly with the Secretary must: (1) be in writing; (2) contain the name of the entity against which the complaint is lodged; (3) describe the relevant problems; and (4) be filed within 180 days of the time you become aware of the problem.

Attendance and School Choice

Absences Excused for Justifiable Reasons (EC 48205)—A child shall be excused from school for justifiable personal reasons. (See attachment 3.) Board policy states that parents must submit a written request to the site principal for an excused student absence.

Absences for Confidential Medical Services (EC 46010.1)—State law permits a school district to excuse student absences, beginning with seventh (7th) grade, for confidential medical services without parental consent.

Absences for Religious Purposes (EC 46014)—With written consent from parents, a child may be excused from school to participate in religious exercises or to receive instruction for four or fewer days per month, provided that the student attends school at least the minimum day.

Absences for Temporary Disabilities (EC 48206.3, 48207, 48208, 48980(b))—Students with temporary disabilities, who cannot attend regular day classes, may receive individualized instruction. Parents of a student with such a disability shall notify the school district if individualized instruction is desired. Hospitalized students are considered residents of the school district where the hospital is located. It is the primary responsibility of the parents of students with temporary disabilities to notify the school district of the student's presence in the qualifying hospital for the purpose of determining whether the student is eligible for individualized instruction and when the program may begin.

Absences 48260—Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

Truancy (EC 48260.5, 48264, 48290; VC 13202.7)—Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parents, by first-class mail or other reasonable means, of the following: (a) That the pupil is truant; (b) That the parents are obligated to compel the attendance of the pupil at school; (c) That parents who fail to meet this obligation may be guilty of an infraction and subject to prosecution; (d) That alternative educational programs are available in the district; (e) That the parents have the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy; (f) That the pupil may be subject to prosecution; (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege; and (h) That it is recommended that a parent accompany the pupil to school and attend classes with the pupil for one day.

School Attendance Review Board (SARB) (EC 48263)—If any minor is a habitual truant, or is irregular in attendance at school, the pupil may be referred to a SARB. The supervisor of attendance or a designee shall notify the minor and parents of the referral.

Notice of Alternative Schools (EC 58501)—California state law authorizes school districts to provide for alternative schools. EC defines alternative school as a school or separate class group within a school designed to:

- a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy
- b) Recognize that the best learning takes place when the student learns because of his/her desire to learn
- c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his own interests—These interests may be conceived by him/her totally and independently or may result in whole or in part from a presentation by his/her teacher(s) of choice of learning projects.
- d) Maximize the opportunity for teachers, parents, and students to cooperatively develop the learning process and its subject matter—This opportunity shall be a continuous, permanent process.

- e) Maximize the opportunity for students, teachers, and parents to continuously react to the changing world, including, but not limited to, the community in which the school is located

In the event any parent, pupil or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the EUSD administrative office, and the site principal's office in each school site have copies of the law available for your information. This law particularly authorizes interested persons to request the Board of Education establish alternative school programs. Further, a copy shall be posted in at least two places normally visible to pupils, teachers, and visiting parents at each school site for the entire month of March, each year.

Parent Employment in the District and Residency Requirements (EC 48204(f), 48980(h))—If at least one parent of an elementary-age child is employed by the school district, the district may deem that the child has met residency requirements. The determination of exact school of attendance is subject to space availability and interdistrict application.

****Attendance Option: Intradistrict School Choice (EC 35160.5(b), 48980(h))**—EUSD desires to provide attendance options for parents and students to help meet diverse needs and interests of its students. Generally, students attend the schools that serve attendance boundaries where they live. However, a student may apply for an intradistrict transfer to any other school under the provisions of School Choice. (See attachment 4.)

****Attendance Option: Interdistrict Pupil Alternatives (EC 46600, 48308)**—Within 90 days of receiving an application for a transfer to a school district of choice (interdistrict transfer), Pupil Services will notify the student's parents if the application has been provisionally accepted or rejected or if the student has been placed on a waiting list. (See attachment 4.)

Discipline and Student Behavior

Discipline Rules and Procedures (EC 48900 et seq., 35291, 51101(a)(12))—Schools shall inform parents about school rules, including disciplinary rules and procedures, attendance, promotion/retention policies, dress codes, and procedures for visiting the school in their parent handbooks, which are distributed annually at the beginning of each school year or upon registration.

District Rules for Student Discipline (EC 35291)—EUSD policy establishing rules pertaining to student discipline, including those that govern suspension or expulsion, are communicated to all students annually and throughout the year. (See attachment 5.)

Suspension and Expulsion/Parent Requirement (EC 48900.1)—Parents must be provided with notice prior to a school district adopting a policy authorizing teachers to require the parent of a suspended pupil to attend a portion of a school day in the class of the suspended pupil. If a teacher suspends a student from class, the teacher may require a parent to attend the student's classes. Employers may not discriminate against parents who comply with this request. (See attachment 8.) Schools will make a reasonable effort to notify parents in person or by telephone at the time of suspension and will also notify parents by mandated written notification. When expulsion is being considered, schools will request parents attend a meeting to determine if suspension should be extended.

In-school Suspension (EC 48911.1(d))—At the time a pupil is assigned to supervised suspension, a school employee shall notify the pupil's parents in person or by telephone. If the pupil is assigned to supervised suspension for longer than one class period, a school employee shall notify the parents in writing.

Rules Governing Expulsion Procedures, Hearings, and Notices (EC 48918)—Delineates rules governing due process procedures for expulsion. Requires written notice of the hearing (including pupil rights) to be forwarded to the pupil at least 10 calendar days prior to the hearing. Provides the opportunity for pupil or parents to be represented by a “non-attorney advisor.” Also requires written results of the hearing to be sent to parents by superintendent or designee. Further requires inclusion of a notice of parents’ obligation, at the time of enrollment, to inform any new district of the pupil’s expulsion. The board has the authority to issue subpoenas. This requires that subpoenaed witnesses be informed regarding their receipt of applicable fees. Additionally, the notice of decision to expel shall include a notice of the educational alternative placement to be provided to the pupil during the time of expulsion.

Dress Code/Gang Apparel (EC 35183)—Dress code and student uniform policies shall be enforced in accordance with school site and board policies. EC authorizes school districts to adopt a dress code that would prohibit the wearing of “gang-related clothing” and to adopt dress code policy that would require pupils to wear a schoolwide uniform.

****Pupil Safety—Bullying (EC 48900r)**—EUSD procedures establishing rules pertaining to acts of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel are communicated annually and throughout the year. (See attachment 5)

Duty Concerning Conduct of Students (EC 44807, 5 CCR 300)—Every teacher in the public schools shall hold students to a strict account for their conduct on the way to and from school, on the playground, or during recess. A teacher, assistant principal, principal, or any other district certificated employee shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his/her duties, of the same degree of physical control over a student that parents would be legally privileged to exercise, but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of students, or to maintain proper and appropriate conditions conducive to learning.

Communication Regarding Threats of Violence (Civil Code 48.8)—An oral or written communication by any person to a school principal or by a student to a teacher, school counselor, or school nurse regarding a threat of violence or potential violence on school grounds involving the use of a firearm or other dangerous weapon is a privileged communication. A viable action for defamation will arise only upon a showing by clear and convincing evidence that the communication was made with knowledge of its falsity or with reckless disregard for the truth or falsity of that communication.

Release of Pupil to Peace Officer (EC 48906)—Schools will take immediate steps to notify parents when a child is taken into custody by a peace officer, except when the child is taken into custody as a victim of suspected child abuse. In such cases, law enforcement would assume all notification responsibilities.

Unsafe School Choice Option (5 CCR 11992, 11993(k))—“Any firearms violation” is an event which must be considered in determining whether a school site is at risk of being classified as persistently dangerous.

Freedom from Harassment/Non-Discrimination

Non-discrimination (Federal Regulation Title VI, Civil Rights Act of 1964; EC 200 et seq.; SB 777, Ch. 569, Statutes of 2007)—EUSD is committed to equal opportunity for all students

and does not discriminate on the basis of ethnic group identification, age, sex, color, physical or mental disability, gender identity, nationality, race, ethnicity, religion, actual or perceived sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in **Section 422.55 of the Penal Code**, equal rights, and opportunities. Any questions or concerns regarding these rights or any allegations of discrimination should be directed to the *Assistant Superintendent, Educational Services*, at (760) 432-2112.

****Sexual Harassment (EC 231.5, 48980(g); 5 CCR 4917)**—EUSD promotes an environment free of sexual harassment. As defined by state and federal law, it is prohibited. (See attachment 6.) For more information on filing a complaint, contact the school site.

Freedom from Sexual Bias in Course of Study/Career Counseling (EC 221.5 (d), 48980(d))—Middle schools, beginning with seventh (7th) grade, shall offer classes and courses to students without regard to the sex of the student and shall provide counseling in career, vocational, or higher education opportunities without regard for the sex of the student counseled. During the year, EUSD may offer career counseling to students. If parents wish to participate in the counseling, they should contact the school counseling office to request the date, time, and location of the activity.

Uniform Complaint Procedures (5 CCR 4622)—EUSD is primarily responsible for ensuring that the district complies with all state and federal laws and regulations governing categorical educational programs regarding alleged acts of discrimination on the basis of ethnic group identification, religion, age, sex, color, and physical or mental disability. Any person may file a written complaint of non-compliance regarding the following programs: consolidated categorical aid, special education (**5 CCR 3080**), childcare and development, child nutrition, and migrant education. (See attachment 7.) The *Assistant Superintendent, Educational Services*, at (760) 432-2112 is the designated compliance administrator charged to review and investigate complaints, including complaints involving the *Williams Settlement*. (See attachment 8.) Decisions may be appealed to the California Department of Education. Complaints of violations of federal regulations may be filed with the United States Secretary of Education.

Superintendent’s Role in Aiding Parents in Due Process Hearings (EC 56502)—Includes new timeline for notices regarding due process hearings and requires superintendent to develop a model form to assist parents in filing requests for due process. (See attachment 7.)

Health and Well Being of Students

Pupil Health: Diabetics Screening (EC 49452.7)—Requires each school district, on or after July 1, 2010, to provide a type 2 diabetes information sheet developed by the State Department of Education to the parents of the incoming seventh (7th) grade pupils.

Pupil Health: Oral Health Assessment (EC 49452.8)—Requires public schools to send a notification of the assessment requirement, including a standardized form that can be used for an assessment or on which the parent can indicate one of several specified reasons why an oral health assessment by a licensed dentist or other registered dental health professional assessment cannot be completed for any pupil enrolled in kindergarten in a public school, or in the first grade if the pupil was not previously enrolled in kindergarten in a public school.

Children in Homeless Situations—EUSD has appointed a liaison that disseminates public notice of the educational rights of students in homeless situations. (See attachment 11.)

Communicable Disease Control—EUSD has established guidelines to determine if a child's health prevents attendance at school. A child should remain at home:

- Until free of a fever or until free of symptoms of diarrhea or vomiting for at least 24 hours; and
- If a child shows symptoms of any of the following: inflamed eye, swollen glands or stiff neck, headache, or rash.

Exclusion of Pupils (EC 48211, 48213, 48451; HS 120230)—The board may exclude children suffering from contagious or infectious diseases. Prior to excluding a child from attendance, the board shall send a notice to the parents of the child. The notice shall contain each of the following: (a) A statement of the facts leading to a decision to propose exclusion of the child; (b) A statement that the parents of the child has a right to meet with the board to discuss the proposed exclusion; (c) A statement that at any meeting with the board held to discuss the proposed exclusion, the parents shall have an opportunity to inspect all documents that the board relied on in its decision to propose exclusion of the child; to challenge any evidence and to confront and question any witness presented by the board; and to present oral and documentary evidence on the child's behalf, including witnesses. The statement shall also include notice that the parents may designate one or more representatives to be present with the parents at the meeting; and, (d) A statement that the decision to exclude the child is subject to periodic review and a statement of the procedures set by the board for the periodic review. If a child is excluded from attendance, or when a principal or his or her designee determines that the continued presence of the child would constitute a clear and present danger to the life, safety, or health of pupils or school personnel, the board shall not be required to send prior notice of the exclusion to the parents as required in this section. The board shall send a notice as soon as is reasonably possible after the exclusion.

Immunizations for Communicable Diseases (EC 49403)—Every child entering a California school must be immunized against diphtheria, tetanus, pertussis, polio, rubella, mumps, measles, varicella (chickenpox), and hepatitis B. Parents must present a written immunization record of each required vaccine with date and provider upon entry to school. The district may administer immunizations to prevent and control communicable diseases to students whose parents provide written consent.

Immunization Requirements (EC 48216)—Pupils with incomplete immunization requirements are to be excluded from attendance or parents may complete a waiver.

Administration of Medication at School (EC 49423)—Any student who must take prescribed/over-the-counter medication at school, and whose parent desires assistance from the school nurse or other designated school personnel, must submit to the school site a written statement of instructions from the prescribing physician and a written parental request for assistance in administering medication with the physician's instructions. Students may carry and self-administer prescription auto-injectable epinephrine only if the student's parent submits a written statement of instructions from the physician and written parental consent authorizing the self-administration of medication, providing a release for the school nurse or other personnel to consult with the child's health care provider as questions arise, and releasing the district and personnel from civil liability if the child suffers any adverse reaction as a result of the self-administration of medication. (See attachment 9.)

Continuing Medication (EC 49480)—Parents of students 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 the 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, omission, or overdose.

Sun-Protective Clothing/Use of Sunscreen (EC 35183.5)—Schools must allow students to wear sun-protective clothing and apply sunscreen (without a doctor's note), including hats, whenever the students are outdoors during the school day. Each school can adopt a policy regarding the type of sun-protective clothing that is permissible. This policy is conveyed to the students and the parents by schools in their parent handbooks. Students are not required to obtain a physician's note or prescription to use sunscreen at school.

Physical Examination—Child Health and Disabilities Program (CHDP) (HSC 124085, 124100, 124105)—A physical examination is required for first grade enrollment and is available through the local health department. Up to five (5) days of exclusion from school will occur if parents fail to comply or sign a waiver for the examination.

Physical Examination Exemption (EC 49451)—Upon receipt of a written request, parents can exempt a child from all physical examinations. However, that child may be sent home if there is good reason to believe that the child is suffering from a recognized contagious or infectious disease.

Scoliosis Notification (EC 49452.5)—School nurses will notify parents of any pupil suspected of having scoliosis. Notification will include an explanation of scoliosis, early treatment significance, and public services available for treatment.

Health Screening (EC 49455)—During the school year, a child may be screened for hearing and/or vision impairments. Seventh-grade girls and eighth-grade boys will be screened for spinal irregularities (scoliosis). Parents may submit a written request to exempt his/her child from such screenings due to religious beliefs.

Medical and Hospital Services (EC 49472)—The district may provide student insurance for medical or hospital services or may offer accident or liability insurance policies for student injuries while involved in school-related activities. No student shall be compelled to accept such services without consent, or, for minors, without parental consent.

Student Accident Insurance—EUSD DOES NOT PROVIDE medical, accident, or dental insurance for students injured on school premises or during school activities. Each year, the district offers an optional insurance program to parents of students enrolled in the district. The insurance options available may include school-time only, 24-hour, dental, and life insurance coverage. Parents may enroll a child in the program at any time during the year. To enroll, parents may secure a packet at the child's school, complete the forms, and mail the forms with a check or money order directly to the insurance company. Contact your local school site or the district office at (760) 432-2400 for more information.

Pupil Insurance for Athletic Teams (EC 32221.5)—Requires school districts that elect to operate an interscholastic athletic team or teams to include a specified statement regarding no-cost or low-cost local, state, or federally sponsored health programs in

offers of insurance coverage and in other letters and printed materials.

Student Wellness—The board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. Therefore, board policy 5030, Student Wellness, was adopted by the board to take effect on July 1, 2006. Included in this policy is a section regarding food provided to students. Rules pertaining to foods provided for classroom celebrations are more restrictive than in prior years. School staff will not use non-nutritious foods as a reward for student accomplishment. Foods donated for student consumption shall be nutritious snacks that fit within the nutrition guidelines of the policy and shall not be prepared in whole or in part in someone's home. A more detailed overview of the policy is provided on the district's web site at www.eusd4kids.org.

Food Allergies/Special Dietary Needs—The board desires to prevent exposure of students to foods to which they are allergic and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school. Parents/guardians shall be responsible for notifying the school, in writing, regarding any food allergies or other special dietary needs of their child. Modified diet requests must be in writing, and provide written medical documentation, signed by a physician, that describes the nature of the student's condition, instructions, and specific foods to be omitted. Students with serious dietary needs shall be provided reasonable accommodation or services, as appropriate, in accordance with his/her accommodation plan or individualized education program

School Accreditation (EC 35178.4)—Requires a school district to notify each parent of a pupil in a school that has lost its accreditation status, and the potential consequences of the school's loss of status, in writing, or by posting the information on the school district's or school's web site, or by any combination of these methods.

Nutrition and Student Meals (EC 49510-49520)—The *Duffy-Moscone Family Nutrition Education and Services Act* enables eligible students to receive free or reduced-price meals. "Notwithstanding any other provisions of law, each school district and county superintendent of schools maintaining any kindergarten or any of grades 1 to 12 shall, commencing on July 1, 1977, provide for each needy pupil enrolled therein, one nutritionally adequate free or reduced-price meal during each school day." This shall include all kindergarten students, all students participating in school-related field trips, and all school minimum days. Contact Nutrition Services at (760) 432-2141 for further information.

Pupil Nutrition, Health, and Achievement Act of 2001 (EC 48430, et seq.)—By January 1, 2004, every public school may post a summary of nutrition and physical activity laws and regulations, and shall post the school district's nutrition and physical activity policies in public view within all school cafeterias or other central eating areas.

Asbestos Management Plan (40 CFR 763.93)—Contact the district office to review the updated management plan for asbestos-containing material in school buildings.

Comprehensive School Safety Plan: Annual Notice (EC 32286, 32288)—Each year, each school shall report on the status of its school safety plan to the school board and to the public. A description of its key elements will be included in the annual School Accountability Report Card prepared, pursuant to **EC 33126 and 35256**. A mandatory component of the plan is a discrimination and harassment policy.

Drug-Free Campuses—Possession, use or sale of narcotics, alcohol, or other controlled substances is prohibited and strictly enforced at schools and all school activities. Records will be forwarded to local law enforcement.

"Megan's Law" Sex Offender Notification (PC 290.4)—Local law enforcement agencies are obligated to notify the community about sex offenders who may be local residents. Parents may contact the Escondido Police Department for more information.

Report of Missing Children—The Legislature hereby declares its intent in enacting this article to require that specified persons, including school teachers, school administrators, school aides, school playground workers, and school bus drivers, report missing children to a law enforcement agency in a timely manner, in order to provide those children a necessary level of protection when they are at serious risk.

New Community Safety Tip Line Number—The Escondido Police Department has utilized a tip line for years and recently changed the number to one that can be easily remembered, (760) 743-TIPS (743-8477). This tip line was designed to encourage citizens to provide the police department with information, anonymously if need be, regarding criminal activity. Though the tip line is checked on a daily basis, it is not designated to replace either 9-1-1, the public information number (760-839-4721) or the administration general number (760-839-4722) for crime reporting.

****Use of Pesticides-Notification Inclusions (EC 17612, 48980.3)**—EUSD provides annually to all staff members and parents of pupils enrolled at a school site, a written notification naming all pesticide products expected to be applied at the school facility during the upcoming year. This notice includes the Internet web site used to access information on pesticides and pesticide use reduction developed by the state and any other information deemed necessary by the school district. Those notified should be informed that they may register with the district if they wish to receive notification of individual pesticide application at the school facility at least 72 hours in advance. The individual notices would include the name of the product, active ingredients, and the intended date of application. If the district intends to use a pesticide at a school facility that was not included in the annual notice, it must send notice 72 hours in advance. (See attachment 13.)

Instruction

Complaints Concerning Deficiencies Related to Instructional Materials (EC 35186 (Amended by AB 831, Ch. 118, Statutes of 2005))—Requires that notice be given to a parent regarding school deficiencies to contain a statement informing parents of teacher vacancies or misassignments.

No Child Left Behind (NCLB) Act of 2001, Parents' Right to Know; Professional Qualifications (20 USCS 6311(h)(6)(A), 6311(h)(6)(B))—Parents of students attending EUSD schools, including Title I schools, have the right to request and receive timely information regarding the professional qualifications of their children's classroom teachers, including (1) whether the teacher has met state qualifying and licensing criteria for grade levels and subject areas in which the teacher is teaching; (2) whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived; (3) the BA/BS degree major held by the teacher, including the field of discipline of the certification or degree; and (4) whether the child is provided services by paraprofessionals and, if so, their qualifications, graduation certification, degree(s), or credentials. Parents should contact

their child's school principal if they would like to receive any of this information. (See attachment 14.)

Title I—Parent Involvement programs, activities, and procedures are developed and agreed upon with parents of participating students at Title I schools. (See attachment 15.)

Health, Family Life, and Sex Education: Conflict with Religious Beliefs (EC 51240)—Whenever any part of the instruction in Health, family life, or sex education conflicts with religious training and beliefs or personal moral convictions of the parent, the student shall be excused from that part of the instruction upon written parental request.

Sex Education/Family Life Education Courses (EC 51550, 51820)—Parents will be notified in writing prior to any instruction or class in which human reproduction organs and their functions or processes are described, illustrated, or discussed. Parents may review instructional materials prior to instruction and may request in writing that a student be excused from the class. This section does not apply to descriptions or illustrations of human reproductive organs that may appear in any science, hygiene, or health textbook. The above parents' rights apply to units of instruction on venereal disease education.

Career Planning (EC 221.5)—Parents will be notified in writing prior to instruction about sex equity related to career counseling and course selection opportunities commencing with course selection for seventh (7th) grade. This will include notifying parents of their right to participate in counseling sessions and decisions.

Role of Parents (EC 51937)—It is the intent of the district to encourage pupils to communicate with their parents about human sexuality and HIV/AIDS and to respect the rights of parents to supervise their children's education on these subjects. The district has a streamlined process to make it easier for parents to review materials and evaluation tools related to comprehensive sex health education and HIV/AIDS prevention education; and, if they wish, to excuse their children from participation in all or part of that instruction or evaluation. EUSD recognizes that while parents overwhelmingly support medically accurate, comprehensive sex education, parents have the ultimate responsibility for imparting values regarding human sexuality to their children.

Sexual Health Education and HIV/AIDS Prevention (EC 51938)—At the beginning of the school year or at a new enrollment, EUSD notifies parents about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on pupil health behaviors and risks planned for the coming year. The notice includes the following: (1) Advises the parents that written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education are available for inspection; (2) Advises the parents whether the comprehensive sexual health education or HIV/AIDS prevention education will be taught by school district personnel or by outside consultants; (3) Provides parents with information explaining the parent's right to request a copy of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act; and (4) Advises parents that they may opt their child out, through a written request, of such instruction. 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, if the parents are notified in writing that this test, questionnaire, or survey is to be administered and the pupil's parents are given the opportunity to review the test, questionnaire, or survey and to request in writing that his or her child not

participate. If a school elects to provide comprehensive sexual health education or HIV/AIDS prevention education through outside consultants and/or an assembly, the school will notify parents with the date of instruction, the name of the organization or affiliation of each guest speaker, and information regarding parent has the right to request a copy of **EC 51933 & 51934**.

Excusing Pupils from participation in sex health or HIV/AIDS Education (EC 51939)—A pupil may not attend any class in comprehensive sex education or HIV/AIDS prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks if the school has received a written request from the pupil's parents excusing the pupil from participation. A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parents decline to permit the pupil to receive comprehensive sex health education or HIV/AIDS prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks. While comprehensive sex health education, HIV/AIDS 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 have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

Limited English Proficient and Immigrant Pupils (SB 2083, CH 1014, Statutes of 2002, 20 USCS 7012(a)(8)(A) (EC 440))—Schools will notify parents within 30 days of the start of the school year of their student's English language proficiency. This notice contains (1) the reason for classifying the student as limited English proficient and in need of English Learner services; (2) the level of English proficiency, how such level was assessed, and the status of the child's academic achievement; (3) the methods of instruction used in the program in which their child is participating, a description of the English language instruction program, and the method of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language instruction; (4) How the program in which their child is participating will meet the educational strengths and needs of their child; (5) How the program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation; (6) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if Title I funds are used for children in secondary schools; (7) In the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and (8) the parent's option to decline the student's enrollment in the program or to choose another program or method of instruction, if available, and be assisted by the school district in selecting among various programs and methods of instruction. (See attachment 16.)

Right to Refrain from Harmful or Destructive Use of Animals (EC 32255-32255.6)—A student may choose to refrain from participating in educational projects involving the dissection or otherwise harming or destruction of animals with a written request from the parents. The teacher whose instruction uses live or dead animals must notify students of their right to refrain from such activity. Alternate educational projects may be assigned.

School Improvement (EC 35256; 34 CFR 200.36, 200.37, 200.38)—Schools shall notify parents if they are identified for improvement and of actions taken to improve schools through the **School Accountability Report Card (SARC)**. (EC 33126, 35256) EUSD provides parents a copy of the school’s current SARC, available on the district’s website or in hard copy in school offices, and makes a concerted effort to notify parents of the purpose of the SARC. By February 1 of each year, EUSD revises the annual SARC for each school in the district and makes them available at school sites. Current school-by-school SARCs can also be requested at that time by calling (760) 432-2400 or can be viewed by visiting the district’s web site at www.eusd4kids.org.

****Notification of Minimum Days (EC 48980(c))**—EUSD provides information to parents each year on scheduled minimum school days. For this school year, there will be one (1) minimum day. A copy of the school calendar is found in the center of this booklet. Additional copies of this calendar are available at your school site and at the district’s web site. Parents will be notified in advance of any changes to the minimum-day schedule no later than one month prior.

Student Internet Access (EC 48980(g), 51870.5 and PC 313a)—EUSD provides Internet access for instructional use at most schools. Board policy has established an *Acceptable Use Policy* to define appropriate student use of the Internet and on-line services, including proper behavior and use expectations. (See attachment 17.)

Academic Failure (EC 49067)—Board policy requires evaluation of each pupil’s achievement for each marking period and written notice to, or a conference with, the parents when the student is in jeopardy of failing a course.

Promotion/Retention (EC 51101(a)(16))—Schools will notify parents as early in the school year as practicable if their child is at risk for retention and of their right to consult with school personnel, and to appeal a decision to retain or promote their child.

Grades (EC 48205, 48980(i)(j))—No student may have his or her grade reduced or lose academic credit for any excused absence(s) when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (See attachment 3.)

Withholding Grades for Property Damage (EC 48904, 48904.3)—Parents will be notified in writing, of pupil’s alleged misconduct before withholding of grades, diploma, or transcript. For students transferring in and upon receiving notice from the former district, schools will notify parents in writing of the decision to withhold grades, diploma, or transcript, as specified by the previous district.

Materials Querying Personal Beliefs (EC 51513)—Tests that question pupils’ personal beliefs will not be administered, unless the parents are notified in writing and give their written permission. (See attachment 2.)

Special Education Services/Section 504

EUSD offers a full range of programs for students with disabilities. These services are available to eligible students in a variety of settings from special education support within the regular classroom setting to self-contained classes.

Policies and Procedures for the Child Find System (IDEA; EC 56300 et seq., 56301)—EUSD has established policies and procedures for a continuous child-find system to address the relationship among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. Any parent suspecting that a child has a disability may request an assessment for eligibility for special education services through the school principal. Further information on policies and procedures may be obtained by calling Special Education at (760) 432-2179.

Special Education (EC 56040 et seq.)—Any student with a disability, who is eligible to receive special education and related services, shall receive such instruction and/or services at no cost and in the least restrictive environment. **Federal Regulations (IDEA, 20 USC 1400, et seq.; Rehabilitation Act of 1973 § 504)**—Federal law requires a free and appropriate education in the least restrictive environment be offered to qualified disabled students. Further, the law prohibits discrimination against a student with a disability in any program receiving federal financial assistance on the basis of sex, disability, race, color, national origin, or lack of English skills. This includes availability of reasonable accommodations for pupils with disabilities. Section 504 defines a person with a disability as anyone who: 1) has a mental or physical impairment which substantially limits one or more major life activities, including, but not limited to: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks; 2) has a record of such an impairment; or 3) is regarded as having such impairment.

The IDEA establishes 13 distinct disabling conditions, which may require special education services. EUSD has specific responsibilities to identify, evaluate, and, if the student is determined to be eligible under Section 504 or the IDEA, afford access to appropriate services. If the parents of such a student disagree with the determination made by the EUSD staff, they have the right to a hearing with an impartial hearing officer.

Special Education Records—Students with Exceptional Needs: Inspection of School Records (EC 56043, 56515(c))—Specifies the rights of parents with children with exceptional needs to examine and receive copies of records, and specifies certain timelines related thereto. Parents have the right to see, review, obtain a copy of, or challenge educational records in accordance with state and federal law. EUSD ensures the privacy and confidentiality of such records for all children. Federal law requires that copies of records for students in special education be retained for three (3) years following the termination or transfer of the student from special education. Records may be destroyed after that time.

Special Education Transportation Passenger Safety—(EC 39831.5)—Requires that, upon registration, parents of pupils not previously transported by school bus, shall receive written information on school bus safety as specified. Applies to pre-kindergarten, kindergarten, and grades 1 to 6. EUSD also applies this to grades 7 and 8. Due to the lack of funds after the passage of statewide Proposition 13 in 1978, EUSD eliminated bus transportation for general education students. Currently, student busing is limited to those eligible special education students who require, based on state and federal guidelines, such services. Such eligibility is established by the Individual Education Program (IEP) based on a student’s need in relation to the identified disability and the specific program required.

Notice of Procedural Safeguards—Special Education ensures that the Notice of Procedural Safeguards, also known as “Parents Rights” or procedural safeguards is available to all parents. (See attachment 18.)

Medi-Cal Reimbursement—EUSD participates in the LEA Medi-Cal reimbursement program and submits invoices to Medi-Cal for partial reimbursement for designated eligible services provided to Medi-Cal eligible students, such as, speech/language therapy, occupational therapy, physical therapy, health services, and certain psychological services.

**Notification of Rights under FERPA
For Elementary and Secondary Schools**

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

- 1. The right to inspect and review the student's education records within 45 days of the day the school receives a request for access. Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.**

- 2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate.** Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal (or appropriate school official), clearly identify the part of the record they want changed, and specify why it is inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- 3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.** One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. [Optional] Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.)

- 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the requirements of FERPA.** Parents/eligible students who believe their rights have been violated under FERPA may file a complaint with: **Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.**

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

PPRA affords parents and students who are 18 or emancipated minors (eligible students) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1) Consent before students are required to submit to a survey that concerns one or more of the following protected areas (protected information survey) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)

- a) Political affiliations or beliefs of the student or student's parent;
- b) Mental or psychological problems of the student or student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of others with whom respondents have close family relationships;
- f) Legally recognized privileged relationships, such as with lawyers, doctors or ministers;
- g) Religious practices, affiliations, or beliefs of the student or parents; or
- h) Income, other than as required by law to determine program eligibility.

2) Receive notice and opportunity to opt a student out of

- a) Any other protected information survey, regardless of funding;
- b) Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
- c) Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

3) Inspect, upon request and before administration or use of

- a) Protected information surveys of students;
- b) Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- c) Instructional material used as part of the educational curriculum.

Escondido Union School District (EUSD) has developed and adopted policies in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales or other distribution purposes. EUSD will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. EUSD will also directly notify parents and eligible students, such as through U.S. mail or e-mail, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

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

Parents/eligible students who believe their rights have been violated under PPRA may file a complaint with: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.

**STATE OF CALIFORNIA
EDUCATION CODE SECTION 48205**

ABSENCES

- A) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
1. Due to his or her illness.
 2. Due to quarantine under the direction of a county or city health officer.
 3. For the purpose of having medical, dental, optometric, or chiropractic services rendered.
 4. For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California, and not more than three days if the service is conducted outside California.
 5. For the purpose of jury duty in the manner provided for by law.
 6. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
 7. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the board.
 8. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- B) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- C) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- D) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- E) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

**Escondido Union School District (EUSD)
SCHOOL CHOICE INTRADISTRICT AND INTERDISTRICT TRANSFERS**

It is the policy of the EUSD that students attend schools within the attendance boundaries in which they reside, and the Board of Education endorses the “neighborhood school” concept. Neighborhood school boundary attendance areas are established to optimize use of existing facilities, avoid crowded or overcrowded conditions, and address particular programmatic concerns related to equal access to, and/or availability of, curricular opportunities and experiences for all students.

However, the board also desires to provide attendance options for parents and students that help to meet the diverse needs, potential, and interests of its students. The board recognizes that parents may wish to choose a school of attendance other than the assigned school. The board allows students to apply for an intradistrict transfer to any school in the district under the provisions of School Choice and to apply to schools outside the district through Interdistrict Transfer Permits.

General Enrollment Priorities

1. Students currently residing within any district school's attendance area shall first have the option of attending their neighborhood school and shall not be displaced by other students.
2. Each district school shall strive to maintain an appropriate, safe, and positive learning environment with racial and ethnic balance.
3. Once enrolled through a School Choice transfer, students who reside outside of the attendance area shall not have to apply for readmission each year, unless stipulated in the year of application. However, revocation of School Choice transfers may occur due to full school capacity, unsatisfactory attendance and/or excessive tardiness, which is unresponsive to correction, and/or other appropriate considerations required for racial/ethnic balance, and would result in the need for reapplication for School Choice transfers under the current selection procedures.
4. If a school does not have the capacity to accommodate all currently enrolled School Choice transfer students for the next school year, the school shall permit students with the greatest longevity of attendance at that school to have first priority with regard to attendance up to the designated capacity and with appropriate consideration of each student's learning needs.
5. Siblings of students already attending a school on intradistrict transfers may receive preferred placement consideration over other School Choice transfer applicants.
6. Children of a district's staff member may receive preferred placement consideration at the school of the parent's employment or alternative site, depending on site capacity.
7. Students attending a Title I Program Improvement school or who qualify under the McKinney-Vento Homeless Act will be given priority in School Choice placements at designated receiving sites.
8. Students who qualify under the McKinney-Vento Homeless Act or Foster Youth Act will be given priority in School Choice placements.
9. A School Choice waiting list shall be established for each school when students desiring enrollment exceed available capacity or are not placed due to other appropriate considerations, including racial/ethnic balance.

School Choice Selection Procedures

1. The district identifies those schools that have space available for additional students who do not reside within the schools' attendance areas on an annual basis.
2. Parents will be notified annually of the application period in which requests for School Choice transfers will be received. The deadline for submitting School Choice transfer applications for the subsequent year is the last school day of February.
3. All students who submit applications during the application period prior to the February deadline shall be eligible for consideration for enrollment for the following school year. If any school receives School Choice transfer requests in excess of its full capacity, enrollment in a school of choice shall be determined by a random, unbiased, lottery drawing from the eligible pool of applicants. A School Choice waiting list shall indicate the order in which students will be accepted as openings occur based on enrollment guidelines.
4. Applications received after the February deadline shall be considered for placement on a first-come, first-served basis, after placement of students who submitted applications before the deadline. If a school is at capacity, late applicants will be placed on a waiting list on a first-come, first-served basis, and placement will be made as seats are available.
5. Waiting lists are valid only for the school year for which they are established.
6. Applicants shall be informed by mail no later than the end of May of each year whether their applications have been approved, denied, or placed on a waiting list. If applications are denied, the reason for the denial shall be indicated.
7. For more detailed information regarding the School Choice application process and procedures for appeal, contact Pupil Services at (760) 432-2247.
8. The district does not provide transportation assistance to students that transfer to another school under the School Choice process.

Interdistrict Transfers

The law (EC 46600 through 46221) allows two or more districts to enter into 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. There are no statutory limitations on the kinds of terms and conditions districts are allowed to place on transfers. The law on interdistrict transfers also provides for the following:

1. If either district denies a transfer request, a parent may appeal that decision to the Assistant Superintendent of Pupil Services; and, if the appeal is denied, then appeal to the County Board of Education. There are specified timelines in the law for filing an appeal and for the County Board of Education to make a decision.
2. No district is required to provide transportation to a student who transfers into or out of the district.
3. The district in which the parent works may reject a transfer if it determines that the cost of educating the student would be more than the amount of government funds the district would receive for educating the student.
4. There are set limits (based on total enrollment) on the net number of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.

The above summary of attendance alternatives available to parents and their children is intended to provide an overview of the laws applying to each alternative. Any parents interested in securing more information about these options, district policies or procedures and timelines for applying for transfers, should contact the school district, or the district they may be thinking about transferring into.

Escondido Union School District RULES OF STUDENT CONDUCT

The Escondido Union School District (EUSD) Board of Education, in support of the aims of public education, believes that the conduct of students attending the public schools should reflect standards of good citizenship demanded of a strong community and members in a democratic society.

School staff shall assist pupils in understanding the rules outlined below, as well as any additional rules unique to each classroom, school site, and district facility. EUSD's rules of conduct are as follows:

1. Each student shall attend school every day. A pupil will be excused for illness or other authorized reasons.
2. Each student shall come to school on time, obey all directions, and be diligent in their studies.
3. Each student shall remain on the school grounds during the school day unless they have permission to be off campus.
4. While on the way to school or on the way home from school, or at a school sponsored event, each student shall conduct him/herself in the same manner that is expected on the school grounds.
5. Each student shall conduct themselves in a safe and secure manner to and from school and at school sponsored events.
6. Each student shall obey the rules established for the school, including dress codes and code of conduct. (See BP/AR 5131 for more details.)
7. Each student shall obey teachers, adults, and other staff who work at the school at all times.
8. Each student shall speak and act respectfully with kindness and courtesy to others and refrain from profane, discriminatory, inappropriate, and vulgar language.
9. Each student shall be respectful of school/private property and not attempt to damage or cause damage to school/private property.
10. Parents are financially liable if their child willfully damages school/private property or personal property of another student or employee.

Causes for Suspension or Expulsion from School

According to state law, a pupil may be suspended or expelled from school for the following acts committed at school or at a school activity off-campus or while going to or coming from school:

1. **Assault or Battery upon School Employees** - committing assault or battery upon any school employee
2. **Controlled Substances** - unlawfully possessing, using, selling, furnishing, or being under the influence of drugs, alcoholic beverages, or intoxicants of any kind, including imitations
3. **Damage to School or Private Property** - causing or attempting to cause damage to school or private property
4. **Defiance or Disruption** - disrupting school activities or otherwise willfully defying the valid authority of school personnel engaged in the performance of their duties
5. **Drug Paraphernalia** - possessing, offering, arranging, or negotiating to sell any drug paraphernalia
6. **Harassment, Threats, Intimidation** - intentionally engaging in harassment, threats, or intimidation against another pupil, group of pupils, or school district personnel, including witnesses
7. **Hate Violence** - attempting to cause, threatening to cause, or participating in an act of hate violence
8. **Imitation Firearms** - possessing an imitation firearm
9. **Physical Injury to Others** - causing, attempting to cause, or threatening to cause physical injury to another, or willfully using force or violence upon the person of another, including aiding or abetting the infliction or attempted infliction of physical injury to another person
10. **Profanity or Obscenity** - committing an obscene act or engaging in habitual profanity or vulgarity
11. **Robbery or Extortion** - committing or attempting to commit robbery or extortion
12. **Sale of Controlled Substances** - unlawfully offering, arranging, or negotiating to sell any drugs, alcoholic beverages, intoxicants of any kind, or any substances, represented as such, this includes SOMA (carisoprodol)
13. **Sexual Assault** - committing sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committing sexual battery, as defined in Section 243.4 of the Penal Code
14. **Sexual Harassment** - committing unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature
15. **Stealing** - stealing or attempting to steal school or private property or knowingly receiving stolen school or private property, including electronic files and databases
16. **Terrorist Threats** - making terrorist threats against school officials or school property, or both
17. **Tobacco** - possessing or using tobacco or any products containing tobacco or nicotine products
18. **Weapons or Other Dangerous Objects** - possessing, selling, or otherwise furnishing any firearm, knife, explosive, or other dangerous object of no reasonable use to the student
19. **Laser Pointers** - possessing a laser pointer, unless for valid use in instruction, or directing the beam of the laser into the eyes of another or at a moving vehicle, as defined in Section 417.27 of the Penal Code
20. **Hazing** - no student, or person in attendance, at any public or private educational institution shall conspire to engage in hazing, including any method of initiation into the student body pursuant to EC 32050
21. **Bullying** - Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

Escondido Union School District
BOARD POLICY 5145.7, SEXUAL HARASSMENT
(Policy revised: June 2009)

The Board of Education is committed to maintaining an educational environment that is free from harassment. The board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation. (For the definition of sexual harassment, see AR 5145.7.)

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the superintendent or designee.

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the superintendent or designee and refer the matter to law enforcement authorities, where required.

Disciplinary Measures

Any student who engages in sexual harassment of anyone 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 through 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.

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 CCR 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 its schools.

For more information, refer to your school's parent handbook. For administrative regulations, technical and legal references, and management resources, please request a copy of BP/AR 5145.7 from your local school.

**Escondido Union School District
NOTIFICATION OF DISTRICT UNIFORM COMPLAINT PROCEDURES**

Board policy 1312.3 and the accompanying regulations have been adopted to provide a method of ensuring a means of pursuing any allegations that the district has unlawfully discriminated on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability in any program or activity which is funded directly by or that receives benefits from any state financial assistance. This Uniform Complaint Procedure applies to the following programs: 1. Consolidated Categorical Aid; 2. Special Education; 3. Child Care and Development; 4. Child Nutrition; and 5. Migrant Education.

DESIGNATED COMPLIANCE/504 OFFICER: Assistant Superintendent, Educational Services, (760) 432-2112.

FILING: Any individual, public agency, or organization may file a written complaint with the compliance administrator in person or by mail, free of charge. Forms may be obtained by calling the Compliance Officer’s number as listed above; however, the complainant need not submit a complaint form to file a complaint. If the complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall provide assistance. Complaints must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. Complaint forms are available from the office of the Compliance Officer.

INVESTIGATION: The following procedures will be followed:

1. Information Clarification Meeting (optional): May be called by the compliance administrator.
2. Mediation: Conducted by the compliance administrator (subject to agreement by all parties).
3. Written Decision: Prepared by the compliance administrator, containing a report of the investigation and decision including the findings and dispositions of the complaint, including corrective actions, if any; the rationale for the above disposition; and a notice of the complainant’s right to appeal the decision to the Escondido Union School District Board of Education and the California Department of Education, and procedures to be followed for initiating such appeal.
4. Appeal to the board: The board may consider an appeal at a regular or special meeting convened in order to meet the 60-day time limit. The written decision of the board shall be sent to the complainant.
5. Appeal to the California Department of Education: If dissatisfied with the district’s decision, the complainant may file an appeal to the California State Department of Education. The complainant must specify in writing the reason(s) for appealing the district’s decision and must include a copy of the locally filed complaint and the district’s decision.
6. Federal Appeal: If dissatisfied with the California Department of Education’s resolution of a complaint regarding a No Child Left Behind (NCLB) program, the complainant may request its review by the U.S. Secretary of Education.

CIVIL REMEDIES: Individuals wishing to pursue civil law remedies in addition to the administrative remedies availed through this complaint procedure may wish to contact local legal assistance agencies, local mediation centers, or other legal resources which can be located in telephone book yellow pages under “Legal Services.”

COPIES OF POLICY AND ADMINISTRATIVE REGULATIONS: Copies are available at the district office switchboard, as well as the office of the Assistant Superintendent, Educational Services, located at the district office, 2310 Aldergrove Avenue, Escondido 92029. Copies are provided free of charge.

CONFIDENTIALITY/FREEDOM FROM RETALIATION: The investigation of the complaint and the identity of any complainant alleging discrimination shall be kept confidential as appropriate, and investigations shall be conducted in a manner that protects student and employee rights to privacy. Retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures is prohibited.

UNIFORM COMPLAINT PROCEDURE AUDIT TRAIL

<u>TIMELINES</u>	<u>ACTION</u>		
		Within 60-day time limit	Board hears appeal or decides not to hear appeal
30 days	Complaint received by district Complaint is investigated	15 days	District decision sent
	Mediation scheduled Yes ___ No ___	15 days	Appeal to State Department of Education • appeal must be in writing
	Findings and decision sent • includes rationale for disposition • right to appeal and how to appeal • sent certified mail	60 days	State Department of Education decision rendered
	Complainant appeal to the board • within 10 calendar days of receiving decision • appeal must be in writing		

ALL DAYS ARE CALENDAR DAYS

Labor Code 230.8

(a) (1) No employer who employs 25 or more employees working at the same location shall discharge or in any way discriminate against an employee who is a parent, guardian, or grandparent having custody, of one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child day care facility, for taking off up to 40 hours each year, not exceeding eight hours in any calendar month of the year, to participate in activities of the school or licensed child day care facility of any of his or her children, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee.

(2) If both parents of a child are employed by the same employer at the same worksite, the entitlement under paragraph (1) of a planned absence as to that child applies, at any one time, only to the parent who first gives notice to the employer, such that the other parent may take a planned absence simultaneously as to that same child under the conditions described in paragraph (1) only if he or she obtains the employer's approval for the requested time off.

(b) (1) The employee shall utilize existing vacation, personal leave, or compensatory time off for purposes of the planned absence authorized by this section, unless otherwise provided by a collective bargaining agreement entered into before January 1, 1995, and in effect on that date. An employee also may utilize time off without pay for this purpose, to the extent made available by his or her employer. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition that is agreed to on or after January 1, 1995.

(2) Notwithstanding paragraph (1), in the event that all permanent, full-time employees of an employer are accorded vacation during the same period of time in the calendar year, an employee of that employer may not utilize that accrued vacation benefit at any other time for purposes of the planned absence authorized by this section.

(c) The employee, if requested by the employer, shall provide documentation from the school or licensed child day care facility as proof that he or she participated in school or licensed child day care facility activities on a specific date and at a particular time.

For purposes of this subdivision, "documentation" means whatever written verification of parental participation the school or licensed child day care facility deems appropriate and reasonable.

(d) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in terms and conditions of employment by his or her employer because the employee has taken time off to participate in school or licensed child day care facility activities as described in this section shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer.

If you require further information, see <http://www.cde.ca.gov/ls/pf/pf/laborcode.asp>

Notice *Williams Settlement*

This notice shall be posted permanently in each classroom of each school and program operated by the County Superintendent of Schools.

ATTENTION PARENTS AND GUARDIANS

IMPORTANT INFORMATION ABOUT INSTRUCTIONAL MATERIALS, SCHOOL FACILITIES, AND TEACHER VACANCIES AND ASSIGNMENTS

State law requires the following:

1. There should be sufficient textbooks and instructional materials. Each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments.

If you do not think these requirements are being met, you can speak with the principal at this site. If needed, a complaint form may be obtained from the school office.

For additional information regarding these requirements and the procedures for filing a complaint, please see the school principal.

Reference: Education Code section 35186(f)

Escondido Union School District
PROCEDURES FOR ADMINISTERING MEDICATION TO STUDENTS AT SCHOOL

The procedures for administering prescription and/or non-prescription (over-the-counter) medication to students during the school day will be executed under the following conditions:

1. Only medication to be administered to the student at school as prescribed and authorized by the student's physician in the manner stated on this form may be brought to school. (Written parent permission is also required.)
2. Such medication shall be administered and taken directly by the student in accordance with the instructions by the physician listed on this form.
3. Medication **MAY NOT** be brought to school by students. All medication must be transported to school by a parent/guardian or another adult authorized in writing by the parent/guardian to deliver the medication.
4. Medication brought to school must be brought in the original prescription or manufacturer's container with the following clearly labeled: (Parent/guardian may want to ask the pharmacist about the possibility of special "school packaging" - a separate container labeled just for the school-time dose.) the label must match the Medication Authorization and Plan.
 - the name of the student
 - the name of the prescribing provider
 - the pharmacy dispensing the medication or the manufacturer
 - the strength of the medication and the amount to be given (dose)
 - the method of administration (oral, inhaled, topical, etc.)
 - the specific time or specific situation(s) the medication is given
5. If the medication dosage requires pill splitting, the only pills that may be split are those that are scored. Scored pills may be split in half only, using a commercial pill-splitting device.
6. Parent/guardian must count the pills and sign the Medication Log when medication(s) are brought to and from school.
7. A completed and signed Medication Authorization and Plan form must accompany the medication provided to the school. Fax copies are permitted until the original signed copy can be delivered to the school. The Medication Authorization and Plan and medication label must have the same medication name, dose, route and time.
8. All medication will be kept in a secure place. Any special instructions for storage or security measures must be written by the physician and given to school personnel.
9. Students carrying and administering their own medication must have the physician circle consent on the front of this form and must have the principal's prior approval. The school office staff and nurse must be informed that the student carries medication/inhaler on campus.
10. A new Medication Authorization and Plan form must be completed for any change in dose, time, or method. Medication Authorizations will be valid for the current school year only or until a discontinuing date listed by the prescribing physician. If the medication is discontinued a Doctor's note must be provided to the school.
11. Medications must be picked up by the parent/guardian within one day of the end of the school year, or they will be discarded.
12. For special education students with a current IEP, this Authorization serves as an Individual Health Plan (IHP) added to the special education file.
13. Students may use sunscreen during the school day, without a physician's note or prescription.

Escondido Union School District
MEDICATION AUTHORIZATION AND PLAN

This form is valid for the 20__ - 20__ school year. School _____

All students receiving prescription or non-prescription (over-the-counter) medication at school require a Medication Authorization and Plan. This Authorization serves as an Individual Health Plan (IHP) for Special Education students or a Section 504 Accommodation Plan as applicable, for all other students. Prescription and non-prescription medications are permitted at school only when a completed Medication Authorization and Plan is on file. If any of the conditions of this Authorization change, a new form must be completed and signed by the parent AND authorized health-care-provider.

TO BE COMPLETED BY PARENT/LEGAL GUARDIAN:

Student's Name _____ Birthdate: _____ Grade: _____

Parent/Legal Guardian: _____ Phone Numbers: H () _____

Address: _____ W () _____

As parent/legal guardian of the above-named student, I request that a designated member of the school staff make available the following listed medication(s) to my child as prescribed on this Authorization, and in accordance with California law.

I also authorize, as needed, the exchange of information related to my child's health between the school nurse (or designee) and the authorized health-care-provider listed below. I will comply with the procedures listed on the back of this form related to dispensing medication at school.

Parent/Guardian Signature _____ Date _____

TO BE COMPLETED BY AUTHORIZED HEALTH-CARE-PROVIDER:

I hereby authorize a designated member of the school staff to assist in the administration of the following medication to the above student as follows:

Table with 6 columns: Medication, Dose, Route, Time, Diagnosis, Symptom. Multiple rows for listing medications.

Side effects that may be experienced (even if given as prescribed) include: _____

The above student has been instructed by me in the proper use of the above listed medication(s). In my professional opinion, the student MAY / MAY NOT carry and administer this medication him/herself. (THIS APPLIES ONLY TO THE USE OF INHALERS FOR ASTHMA AND/OR MEDICATION FOR USE IN EMERGENCY SITUATIONS OF ANAPHYLACTIC REACTIONS)

MD/DO/DDS/DPM/NP/PA _____
Printed Name of Physician CA License #

Address Telephone #

Physician's Signature Date

**Escondido Union School District
BOARD POLICY 6153, FIELD TRIPS**

(Policy revised: March 13, 2008)

The Board of Education recognizes that educational field trips are important components of a student's development. Besides supplementing and enriching classroom learning experiences, such trips encourage new interests among students, make them more aware of community resources, and help them relate their school experiences to the outside world. Field trips are permissible if they are conducted for educational purposes to enhance the students' intellectual growth and are directly related to district-approved curriculum.

Field trips may be conducted in connection with the district's course of study or school-related social, educational, cultural, athletic, school band activities, or extracurricular activities. A field trip to a foreign country may be permitted to familiarize students with the language, history, geography, natural science, and other studies relative to the district's course of study.

The board believes that careful planning can greatly enhance the value and safety of such trips. In advance of a study trip, teachers shall determine educational objectives which relate directly to the curriculum. Principals shall ensure that teachers develop plans which provide for the best use of students' learning time while on the trip. Teachers also shall provide appropriate instruction before and after the trip.

Definitions

Routine Field Trip - A trip conducted before, during, or after school, away from the school site, inside or outside San Diego County, and not requiring overnight stay

Extended Field Trip - A trip inside or outside San Diego County requiring one or more night's overnight stay

Authorization

The principal or designee is authorized to approve all routine field trips and shall submit an annual report to the superintendent of all routine field trips taken. The principal shall notify the superintendent, prior to the trip, of all routine field trips taken outside the county.

Requests for field trips involving out-of-county, out-of-state, out-of-country, or overnight travel shall be submitted to superintendent or designee. The superintendent or designee shall review the request and make a recommendation to the board as to whether the request should be approved by the board. All other field trips shall be approved in advance by the principal.

The principal shall establish a process for approving a staff member's request to conduct a field trip. When planning trips, staff shall consider student safety, objectives of instruction, the most effective use of instructional time, and the distance from school, district and student expense, and transportation and supervision requirements. Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.

Other school employees and/or parents/guardians (chaperones) also may participate in this supervision and may be asked to attend preparatory training sessions and/or meetings. Suggested guidelines for adult supervision are: ten students to one adult (grades kindergarten through sixth) and fifteen students to one adult (grades seventh through eighth). In preschool, state guidelines establish a ratio of eight children to one adult.

Other Student Activities

All other off-campus, school-sponsored activities involving students, which are conducted outside the normal instructional day, must have prior approval from the superintendent or designee in order for the school district liability insurance to be applicable. Without such approval, the school district assumes no liability for activities outside the normal instructional day. Students may be charged for purely recreational, extracurricular activities conducted outside the normal instructional day.

Trips to Washington D.C., Sacramento, and other destinations which have significant cost shall not be conducted under the auspices of the school district. These activities may occur if they are optional for students, under the auspices of the parent organization, student council, etc., and are conducted outside of the regularly scheduled school day.

Funding

If the board allocates funds for educational field trips, individual schools may be provided with budgetary allocations so that they can plan ahead. Special trip expense funds may be established when necessary for fund-raising purposes.

1. No student shall be prevented from participating in a field trip because of a lack of sufficient funds or for not participating in fund-raising activities. No trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds.
2. Students may not be charged for costs of field trips, including admission fees, which relate directly to the district-approved instructional program.
3. Costs of routine field trips directly related to district-approved curriculum may be charged to the school's general fund, in accordance with program regulations.
4. Funding for instructional field trips may also be accomplished through fund-raising activities conducted in accordance with Board Policy 1321, Solicitation of Funds From and By Students.
5. District funds shall not be used to pay student expenses for out-of-state or out-of-country field trips or excursions. However, expenses of instructors, chaperones, and other personnel participating in such trips, as well as incidental expenses for the use of district equipment during the trip, may be paid from district funds. (Education Code 35330)

Transportation

1. Required transportation for routine or extended field trips may be provided by chartered bus scheduled with the district's transportation contractor or private transportation.
2. Private automobile providers shall complete "Permit to Use Private Vehicle" and comply with all standards to authorize use of private transportation.

Special Education/504

No student should be denied access to a field trip or other activity on the basis of disability. If a school or general education teacher plans a field trip, special education students attending that class may not be excluded from the trip.

Access can be denied based on behavior only if the behavior is not related to the student's disability and the standard is equally applied to all students.

When serving students with disabilities, it is the responsibility of the special education teachers, grade-level general education teachers, and school administrator to share information about school activities and field trips in order to facilitate timely decisions about student participation. This participation would be based on appropriateness determined by the teacher(s) of record and/or the IEP team.

For more information, refer to your school's parent handbook. For administrative regulations, technical and legal references, and management resources, please request a copy of BP/AR 6153 from your local school.

HOMELESS EDUCATION DISPUTE RESOLUTION PROCESS

State educational agencies (SEAs) and local educational agencies (LEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool program, as other children and youth. Part of this assurance is for the California Department of Education (CDE) to provide guidance to LEAs regarding prompt resolutions of school selection and enrollment disputes.

I. The Law

The No Child Left Behind (NCLB) Act of 2001 (PL 107-110, Section 722) expands the responsibility of CDE and LEAs to ensure educational rights and protections for children and youth experiencing homelessness. All LEAs must ensure coordination of their efforts on behalf of homeless children and youth with the McKinney-Vento Homeless Education Assistance Improvement Act, Title X, Part C and CDE directives. Part of that coordination is to implement CDE's procedures for the prompt resolution of disputes regarding school selection and enrollment for homeless children and youth.

For the purpose of this letter, McKinney-Vento defines:

- "School of selection" as school of origin, or the school of residence
- "School of origin" as the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled
- "Enrollment" as attending classes and participating fully in school activities

Parents, guardians, and unaccompanied youth must be able to initiate the dispute resolution process either in writing or orally directly at the selected school site.

II. Dispute Resolution Process

Below are five components for resolving disputes regarding school selection and enrollment for homeless children and youth:

- If a dispute arises over school selection or enrollment, the child/youth must be immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute [PL 107-110, Section 722(g)(3)(E)(iv)]. Enrollment is defined as "attending classes and participating fully in school activities."
- The school must refer the student, parent, or guardian to the LEA's homeless liaison to carry out the dispute resolution process as expeditiously as possible. The homeless liaison must ensure that the dispute resolution process is also followed for unaccompanied youth.
- A written explanation of the school's decision regarding school selection or enrollment must be provided if a parent, guardian, or unaccompanied youth disputes such a school selection or enrollment decision, including the right to appeal [PL 107-110, §722(g)(3)(E)(ii)]. The written explanation shall be complete, as brief as possible, simply stated, and provided in a language that the parent, guardian, or unaccompanied youth can understand.
- If the dispute remains unresolved at the district level or is appealed, then the district homeless liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education (COE). The COE's homeless liaison will review these materials and determine the school selection or enrollment decision within five (5) business days of receipt of the materials. The COE homeless liaison will notify the LEA and parent of the decision. Contact information for COE's homeless liaisons can be found at: <http://www.cde.ca.gov/sp/hs/cy/>.
- If the dispute remains unresolved or is appealed, the COE homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. Upon the review of the LEA, COE, and parent information, the CDE will notify the parent of the final school selection or enrollment decision within ten (10) business days of receipt of materials. You may reach the State Homeless Coordinator, Leanne Wheeler, by the telephone number listed below or by e-mail at lwheeler@cde.ca.gov.

School districts must enroll students experiencing homelessness immediately. If, after enrollment, it is determined that a student is not homeless as defined in the law, school districts should follow the policies that are in place to address other forms of fraud. Written notice should be given to the parent, guardian, or youth, including his or her right to appeal the decision.

For questions about enrolling in school or for assistance with school enrollment, contact:

Your local liaison for the homeless: McKinney-Vento Homeless Liaison Escondido Union School District Lincoln Annex, 1029 N. Broadway Ave. Escondido, CA 92026 Telephone: 1-760-432-2469	Your county liaison for the homeless: Loretta Middleton, Liaison SDCOE Pupil Services 6401 Linda Vista Road San Diego, CA 92111 Telephone: 1-858-292-3819	Your state coordinator for the homeless: Leanne Wheeler, State Coordinator California Dept. of Education 1430 N Street, Suite 6208 Sacramento, CA 95814 Telephone: 1-866-856-8214
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Escondido Union School District
BOARD POLICY 3515, CAMPUS SECURITY
(Policy revised: August 16, 2007)

The Board of Education is committed to providing a school environment that promotes the safety of students, employees, and visitors to school grounds. The board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

The superintendent or designee shall develop campus security procedures which are consistent with the goals and objectives of the district's comprehensive safety plan and site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

Surveillance Systems

The board believes that reasonable use of surveillance cameras will help the district achieve its goals for campus security. In consultation with the safety planning committee and relevant staff, the superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

Prior to the operation of the surveillance system, the superintendent or designee shall ensure that signs are posted at conspicuous locations at affected school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the district's system is actively monitored by school personnel. The superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur, explaining that the recordings may be used in disciplinary proceedings, and that matters captured by the camera may be referred to local law enforcement, as appropriate.

To the extent that any images from the district's surveillance system create a student or personnel record, the superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, board policy, administrative regulation, and any applicable collective bargaining agreements.

For administrative regulations, technical and legal references, and management resources, please request a copy of BP/AR 3515 from your local school.

**Escondido Union School District
HEALTHY SCHOOLS ACT (AB 2260) POLICY STATEMENT**

Policy: It is the policy of the Escondido Union School District (EUSD) to implement the Healthy Schools Act (AB 2260) policies and procedures to control structural and landscape pests/weeds and minimize exposure of children, faculty, and staff to pesticides/herbicides.

Pests: It is the policy of EUSD to control pests in the school environment. Pests such as cockroaches, fleas, fire ants, stinging wasps, termites and rodents are known to bite, sting, or transmit diseases, and may also cause allergic responses.

Pesticides/Herbicides: It is the policy of this school district to reduce exposure to pesticides and herbicides in the school environment. When pesticides or herbicides are used to control pests and weeds in schools, there is potential for human exposure. Excessive exposure may result in pesticide/herbicide poisoning or allergic responses in sensitive individuals. Children may be more susceptible to pesticides than adults due to their smaller size and rapid growth and development.

AB 2260, Healthy Schools Act of 2000:

- Using non-chemical prevention of pest and weed populations, such methods as sanitation, exclusion, and cultural practices, is always preferred.
- The selection and use of the least hazardous methods and materials effective for the control of targeted pests and weeds will be implemented.
- Precision targeting of pesticides and herbicides to areas not contacted by or accessible to the children, faculty, and staff will be implemented.
- Application of pesticides/herbicides will only be used “as needed” to correct verified problems.
All parents and staff will be notified annually in writing of the anticipated pesticide/herbicide products and applications to be regularly used throughout the school year. Parents may request in writing a separate written notice for each pesticide/herbicide application
- 72 hours prior to the anticipated application.
- Warning signs will be posted at all entrances to school district property 24 hours prior to regular pesticide/herbicide applications and will remain posted for 72 hours after the application.
- Active ingredients of all pesticides/herbicides used by the school district and/or copies of AB 2260 may be obtained by written request to the Director of Maintenance and Operations at (760) 432-2421. Additional information on pesticides is made available by the California Department of Pesticide Regulation web site at www.cdpr.ca.gov.
- In the event of an urgent and immediate need of an application of a pesticide to control a specific and documented problem, signs will be posted immediately and remain posted for 72 hours following the application procedure.

The following is a list of the anticipated or expected pesticides and herbicides to be used this school year throughout the school district by EUSD. Complete material safety data sheets containing all active ingredients for each chemical used may be obtained from the EUSD Director of Maintenance and Operations at (760) 432-2421 or by contacting the web site www.pesticideinfo.org.

<u>PRODUCT NAME</u>	<u>PRIMARY ACTIVE INGREDIENT</u>	<u>PRODUCT NAME</u>	<u>PRIMARY ACTIVE INGREDIENT</u>
1. Answer for the Control of Pocket Gophers/JT Eaton	Diphacinone	19. P.I.	Pyrethrins
2. Aquamaster	Glyphosate	20. Merit	Imodacloprid
3. Atrimmec	Dikegulac Sodium	21. Reward	Diquat Dibromide
4. Barricade	Prodiamine	22. Ronstar	Oxadiazon
5. Contrac Blox; Super-Size; Pelleted/Bell Labs		23. Round-up	Glyphosate
Bromodiolone		24. Scythe	Perlargonic Acid
6. CY-Kick	Cyfluthrin	25. Sedge Hammer	Halosulfuron Methyl
7. Daconil	Chlorothalonil	26. Speed-Zone Lawn Weed Killer	Ethylhexyl
8. Deltadust	Deltamethrin	27. Subdue	Propionic Acid Methyl Ester
9. Demon WP	Cypermethrin	28. Surflan	Oryzalin
10. Diphacinone Bait/County of San Diego	Diphacinone	29. Suspend SC	Deltamethrin
11. Dragnet/SFR	Permethrin	30. Talstar	Bifenthrin
12. Embark	Diethanolamine Salt of Mefluidid	31. Tempo	Cyfluthrin
13. Fastrac Blox; Pelleted/Bell Labs	Bromethalin	32. Termidor	Fipronil
14. Final Blox/Bell Labs	Bodifacoum	33. Wasp Freeze	Allethrin & Dimethyl Carboxylate
15. Fumitoxin/Pestcon Systems	Aluminum Phosphide	34. Wilco Gopher Getter AG Bait	Strychnine
16. Fusilade	Fluazifop-P-butyl	35. Vikane Gas	Sulfuryl-Fluoride
17. Maxforce	Fipronil	36. Zep	Petroleum Distillate
18. Maxforce	Hydramethylnon	37. ZP Rodent Bait AG/Bell Labs	Zinc Phosphide

EUSD invites questions, concerns, and suggestions from our parents, community, students, and staff. All comments addressing the above-noted policy should be addressed to: Escondido Union School District, Director of Maintenance and Operations, 150 W. Lincoln Avenue, Escondido, CA 92026.

Escondido Union School District No Child Left Behind—Adequate Yearly Progress

The **No Child Left Behind Act (NCLB) of 2001** is a federal law to improve education for all children. It holds states responsible to create their own high academic standards for what a child should know and be able to do for all grades in English language arts and mathematics. Under NCLB, every school must improve each year through 2013-14, when 100 percent of students are expected to score at the proficient level or above. This yearly improvement in school performance, which includes the academic standards and other components, is called **Adequate Yearly Progress (AYP)**.

The California Department of Education reviewed the performance of every school district that receives funds under the federal NCLB Title I program. The Title I program provides money to school districts to offset the effects of poverty on the educational opportunities of low-performing children in high-poverty schools. Using the performance data in English language arts and mathematics of all students, a district is identified as a Program Improvement district if it does not make AYP in the same content area for two consecutive years.

EUSD has been identified as a Program Improvement district. The district is committed to helping all students reach high academic standards and giving each child in every school a high quality education. EUSD continues to make academic progress. It is important to remember that the achievement targets under NCLB increased significantly in 2009-2010.

As a Program Improvement district we must:

- Reserve at least 10 percent of the annual federal Title I monies to provide professional development for teachers and administrators.
- Continue to provide assistance to schools identified for Program Improvement.

How can parents help their district improve?

Here are some suggestions to help you work with your school and EUSD to support improvements:

1. Talk with your child's teacher or principal about the school and district plan to help students meet the state standards in reading and math. Visit your child's school and ask if you may volunteer.
2. Support your child by making sure that she/he comes to school every day on time. Stay in close contact with your child's teacher to monitor your child's academic progress. Tell teachers you want to hear from them as soon as problems occur so you can work together to find solutions.
3. If you are a parent of an eligible student who attends a Title I Program Improvement school, ask about school choice options to transfer your child with paid public transportation to a public school in the district that is not identified as a Program Improvement school.
4. If you are a parent of an eligible student who attends a school that has been a Title I Program Improvement School for two or more years, Supplemental Educational Services (SES) may be available for your child. These academic services and extra tutoring are provided to eligible Title I students outside of the regular school day at no charge to parents.
5. Become aware of strategies to improve student academic achievement. Additional information and resources are available at the following web sites:

The California Department of Education:
www.cde.ca.gov/sp/sw/t1/titleparta.asp

The U.S. Department of Education:
www.ed.gov
www.ed.gov/parents/landing.jhtml

You are encouraged to seek further information about any of the Program Improvement requirements and to find out how you can become involved in the improvement efforts. You may contact the Title I office at (760) 432-2172 or your child's school principal for more specific information.

ATTACHMENT 15

ESCONDIDO UNION SCHOOL DISTRICT, BOARD POLICY 6020, PARENT INVOLVEMENT

(Policy revised: July 26, 2007)

The Board of Education recognizes that parents/guardians are their children's first and most influential teachers and that continual parental involvement in the education of children contributes greatly to student achievement and a positive school environment.

In order to engage parents/guardians positively in their children's education, the superintendent or designee shall ensure that staff members at each school:

1. Help parents/guardians develop parenting skills to provide home environments that support their children's academic efforts and their development as responsible members of society.
2. Inform parents/guardians that they can directly affect the success of their children's learning and provide them techniques and strategies to improve their children's academic success and assist in learning at home.
3. Initiate consistent and effective two-way communication between the home and school so that parents/guardians may know when and how to help their children in support of classroom learning activities.
4. Receive training that fosters effective and culturally sensitive communication with the home, including training on how to communicate with non-English speakers and how to give parents/guardians opportunities to assist in the instructional process both at school and at home.
5. Encourage parents/guardians to serve as volunteers in the schools, attend student performances and school meetings, and participate in site councils, advisory councils, and other activities in which they may undertake governance, advisory, and advocacy roles.
6. Notify parents of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

School plans shall delineate specific measures that shall be taken to increase parental involvement with their children's education, including measures designed to involve parents/guardians with cultural, language, or other barriers, which may inhibit such participation.

Through consultation with parents/guardians, the district shall annually assess the effectiveness of parental involvement programs and determine what action, if any, needs to be taken to increase parental participation. Also through this consultation and annual assessment, the district shall determine what barriers, if any, are present which might inhibit parent/guardian participation.

Title I Schools

Each year, the superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code 11503)

The superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC 6318. (20 USC 6318)

The superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC 6318)

The superintendent or designee shall ensure that each school receiving Title I funding develops a school-level parent involvement policy in accordance with 20 USC 6318.

Non-Title I Schools

The superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)

For more information, refer to your school's parent handbook. For administrative regulations, technical and legal references, and management resources, please request a copy of BP/AR 6020 from your local school.

Escondido Union School District **September 2010**
ENGLISH LANGUAGE LEARNER PARENT NOTIFICATION LETTER

Dear Parents: Pursuant to California law, our school district is required to assess the language proficiency and academic levels of your child and inform you of the program options available for your child. **You have the right to choose your child's educational program.**

Your child is currently receiving services in the following English Learner Program at his or her school:

(See the following page for a complete description of programs.)

To the parents of / Para los padres de: Grade 2010-2011/Grado del año escolar 2010 a 2011: _____

SAMPLE

CALIFORNIA ENGLISH LANGUAGE DEVELOPMENT TEST (CELDT)

Pursuant to State Law the CELDT is administered to all English Learners between July 1 and October 31 of each school year. The Fall 2009 test results for your child were the following:

Skill Area	Proficiency Level	Proficiency Level
Overall		
Listening		
Speaking		
Reading		
Writing		

Official **Fall 2010** CELDT results will be mailed to you upon receipt from the State later this year.

ENGLISH ACADEMIC ACHIEVEMENT RESULTS

During the school year, several assessments are administered to your child. The following assessments, administered in English during the past school year, indicate the approximate level of your child in relation to grade level expectations for native English speakers.

2009-10 Grade	Assessment	Skill Area	Level Compared to Expectations for Grade Level
	California Standards Test	Language Arts	
		Math	
		Science	

SPANISH ACADEMIC ACHIEVEMENT RESULTS

If your home language is Spanish and your child was new to California or enrolled in a bilingual last year, a test was administered in Spanish. The following assessment, administered in Spanish during the past school year, indicate the approximate level of your child on the Spanish assessment.

2009-10 Grade	Assessment	Skill Area	Level Compared to Expectations for Grade Level
	California Standards-based Test in Spanish	Language Arts	
		Math	
		Science	

ENGLISH LANGUAGE LEARNER PROGRAM GOALS

All English Language Learner programs share the following goals: (1) building academic fluency in the English language; and, (2) supporting the achievement of grade level academic standards. In accordance with California law, children with lower levels of English proficiency receive Structured English Immersion services which are designed to meet their special linguistic needs. Parents have the right to choose the program model that they feel best meets the needs of their children. Parent requests for their children’s removal from any program are immediately honored.

ENGLISH LANGUAGE LEARNER PROGRAM DESCRIPTIONS

Structured English Immersion Program (SEI)–Students will receive daily structured English Language Development (ELD) lessons which address the state standards. All academic content instruction is focused on English Language Development (ELD). Access to grade level curriculum may be temporarily delayed. Instruction will be nearly all in English, with Spanish used for clarification and individual assistance when appropriate. English materials are specialized to assist with English Language Development. Some Spanish materials will be available for support. Accelerated, supplemental services will be provided to recoup academic deficits incurred while focusing on English Language Development. Students will transition to the English Learner Mainstream Program as soon as they have acquired enough English to be successful there.

English Learner Mainstream Program (ELM)–Students will receive daily structured English Language Development (ELD) lessons which address the California ELD Standards. Academic instruction is entirely in English, but adapted as needed to ensure full access for students who are not fluent in English. The strategies used to adapt instruction are known as “Specially Designed Academic Instruction in English” (SDAIE). Mainstream English textbooks and materials are used. Students whose English proficiency is below the intermediate level may only be placed in the English Learner Mainstream Program by parent request. The form entitled “Request for Mainstream Placement” is used to document such requests. Parents should understand that neither the instruction nor the materials in a mainstream classroom are adapted to a degree that will adequately support students at the beginning levels of English.

Structured Bilingual (SBP)/ Two Way Programs (TWP)–Bilingual Program Models

English Learners will receive daily structured English Language Development (ELD) lessons which address the California ELD Standards. Academic content will be delivered in Spanish and English. Specially Designed Academic Instruction in English and Spanish will be used as needed to ensure equal access to the core curriculum. Both English and Spanish District adopted texts and materials will be used. English Learners will learn to read in English and Spanish. The Two Way Immersion program differs from Structured Bilingual in that it includes English-speaking students who are learning Spanish. English and Spanish speakers work together toward bilinguality.

Exit from the Structured English Immersion (SEI) Program

When the intermediate level of English proficiency is attained (CELDT 3), children are transferred to the English Learner Mainstream program. Parents’ requests for transfer to the English Learner Mainstream program will be immediately honored at anytime, regardless of student’s English proficiency level.

Exit from the English Learner Mainstream (ELM) Program–RECLASSIFICATION TO FLUENT ENGLISH PROFICIENT

The following requirements must be met, and consultation with the teacher and parent must occur, before a student can be reclassified:

Grade 1	Grade 2	Grade 3	Grades 4 -7	Grade 8
CELDT 5 - All sub-scores 5 Reading Level (DRA) 24 Writing Level (DWA) 4	CELDT 5 – All sub-scores 5 Reading Level (DRA) 34 Writing Level (DWA) 4	CELDT 5 –All sub-scores 5 California Standards Test (CST) Scale Score: English Language Arts 370 Math 350 Writing Level (DWA) 4	CELDT 4 –All sub-scores 4* California Standards Test: English Language Arts 3 Math 3 Writing – English Syntax 4 *Sub-scores of 3 accepted if CST ELA is 4 or higher	CELDT 4 – Sub-scores 3 or 4 California Standards Test: English Language Arts 3 No minimum CST Math Writing -English Syntax 4

Exit from the Structured Bilingual (SBP), and Two-Way Programs (TWP)

Children are only placed in the SBP, and TWP programs at the annual request of parents. Children are removed from either program immediately upon parent request. Children may also remain in either program after reclassification to Fluent English Proficient at parent request. Placement after exit from the bilingual programs will depend on the English proficiency level of the students.

SERVICES FOR ENGLISH LANGUAGE LEARNERS WITH LEARNING DISABILITIES

All English Language Learners, including those with disabilities, receive English Language Learner services. Services are modified to meet the special needs of each student according to his or her Individual Education Plan (IEP). Please refer to the enclosed page.

IMPORTANT LEGAL INFORMATION

English Learner Mainstream placement may be requested by a parent/guardian at any time, regardless of English language test scores. The law requires that students with lower levels of English proficiency receive Structured English Immersion services, unless the parent requests an alternative program option. All parents have a right to request bilingual program options: SBP or TWP. For both of the bilingual program options, there is a required 30 day waiting period which Limited and Non-English Proficient students must spend in a mostly English (Structured English Immersion or English Learner Mainstream) setting. If a bilingual program option is desired, but not offered at your child’s school, you have the right to apply for transfer to another school. (Parents are responsible for providing transportation when needed.). To arrange participation in bilingual program, parents of Limited or Non-English proficient students must go to the school in person, meet with the school principal or assistant principal, and submit a Request for Bilingual Services form. If a request for waiver (bilingual services) is denied, parents have a right to appeal the request to the school board and to a court of law.

**Escondido Union School District
ACCEPTABLE USE POLICY
For Using the Internet and the District Network**

The Escondido Union School District (EUSD) has a behavior code for all students that details appropriate school behaviors and sets expectations for students. The use of the Internet is a continuance of the school's activity; therefore, the school's code of conduct applies to the use of Internet activities as well. The EUSD network provides students access to web-based content that supports the core curriculum. In addition, the network provides data storage and retrieval, and district created curriculum.

While staff will ensure that high quality online materials are available and promoted, the Internet may include some material that is not suited for students. The district, in compliance with the Children's Internet Protection Act (CIPA), employs a filtering system on all computers within the school district to help protect against inappropriate use.

RULES TO FOLLOW	EXAMPLES
I will use the school computers for educational use only.	Appropriate uses of computers and the network include: <ul style="list-style-type: none"> ▪ study and research ▪ educational and exploratory programs
I will not use the school computers for illegal or dishonest purposes.	Examples of illegal or dishonest activity: <ul style="list-style-type: none"> ▪ copying software ▪ sending threatening emails ▪ copying digital art work or printed material illegally ▪ copying another person's work and submitting it as your own
I will not search for, create, or distribute things that are inappropriate for school.	Things that are inappropriate include: <ul style="list-style-type: none"> ▪ spreading untrue rumors and gossip through the network ▪ downloading or displaying offensive pictures
I will not intentionally create network congestion or damage computer equipment.	Things which could disrupt other users: <ul style="list-style-type: none"> ▪ downloading large files from the Internet ▪ deleting or changing critical files ▪ using the computer system to gain unauthorized entry into other computer systems ▪ installing unauthorized software ▪ having food or drink around computer equipment
I will not allow others to use my network account.	Examples of unacceptable behaviors: <ul style="list-style-type: none"> ▪ telling other people your password ▪ leaving a computer logged on
I will not reveal personal details to strangers through the Internet.	Examples of unsafe behaviors: <ul style="list-style-type: none"> ▪ revealing your name, address, telephone number, or picture to an unknown person by email, chat session, online form, or web page ▪ accepting offers to meet strangers who you have met online

Termination/Revocation of System User Account

The use of the information system is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. Each person who accesses the system will participate in a discussion with a school staff member as to proper behavior and use of the network. EUSD will decide what is appropriate and their decision is final. Access will be denied at any time deemed necessary.

- A. The district may suspend or revoke a system user's access to the district's system upon any violation of district policy and/or administrative regulation.
- B. Prior to a suspension or revocation of system service or as soon as practicable, the principal or system administrator/designee will inform the system user of the suspended violation and give the system user an opportunity to present an explanation.

Disclaimer

EUSD does not warrant that the functions or services performed by or that the information or software contained on the system will meet the system user's requirements or that the system will be uninterrupted or error-free or that defects will be corrected. The district's system is provided on an "as is, as available" basis. EUSD does not make any warranties, whether expressed or implied including, without limitation, those of merchant ability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.

If you are interested in reading the applicable board policy [BP 6163.4] and its administrative regulations governing the use of technology, they may be accessed at www.eusd4kids.org/internet_aup.htm or by calling the Educational Technology office at (760) 432-2167.

Special Education Rights of Parents and Children
Under the Individuals with Disabilities Education Act, Part B, and the California Education Code

• Notice of Procedural Safeguards •
 Revised January 2009

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

What is the Notice of Procedural Safeguards?

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you one time per year and:

- ❖ When you ask for a copy
- ❖ The first time your child is referred for a special education assessment
- ❖ Each time you are given an assessment plan to evaluate your child
- ❖ Upon receipt of the first state or due process complaint in a school year, and
- ❖ When the decision is made to make a removal that constitutes a change of placement
(20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1])

What is the Individuals with Disabilities Education Act (IDEA)?

IDEA is a federal law that requires school districts to provide a "free appropriate public education" (in English, referred to as FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (in English, known as IEP) and under public supervision to your child at no cost to you.

May I participate in decisions about my child's education?

You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 USC 1414[d] [1]B–[d][1][D]; 34 CFR 300.321; EC 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC 1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1], and 56506)

Where can I get more help?

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication. Additional resources are listed at the end of this document to help you understand the procedural safeguards.

What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education (CDE) Web site at <http://www.cde.ca.gov/sp/ss/> or ask for more information from the members of your child's IEP team.

Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records

Prior Written Notice

When is a notice needed?

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 USC 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 CFR 300.503; EC 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 CFR 300.304; EC 56321)

What will the notice tell me?

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 CFR 300.503)

Parental Consent

When is my approval required for assessment?

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

When is my approval required for services?

You must give informed, written consent before your school district can provide your child with special education and related services.

What are the procedures when a parent does not provide consent?

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

ATTACHMENT 18(c)

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 *USC* 1414[a][1][D] and 1414[c]; 34 *CFR* 300.300; *EC* 56506[e], 56321[c] and [d], and 56346).

When may I revoke consent?

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 *CFR* Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 *CFR* (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
4. Is not required to convene an IEP team meeting or develop an IEP under 34 *CFR* Sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 *CFR* Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

Surrogate Parent Appointment

What if a parent cannot be identified or located?

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 *USC* 1415[b][2] ; 34 *CFR* 300.519; *EC* 56050; GC 7579.5 and 7579.6)

Nondiscriminatory Assessment

How is my child assessed for special education services?

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows

ATTACHMENT 18(d)

and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC 1414[b][1]–[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[j] and 56320)

Independent Educational Assessments

May my child be tested independently at the district's expense?

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; EC 56329[b] and [c])

Access to Educational Records

May I examine my child's educational records?

You have a right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) business days after the request has been made orally or in writing. (EC 49060, 56043[n], 56501[b][3], and 56504)

How Disputes Are Resolved

Due Process Hearing

When is a due process hearing available?

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 USC 1415[b][6]; 34 CFR 300.507; EC 56501 and 56505[l])

Mediation and Alternative Dispute Resolution

May I request mediation or an alternative way to resolve the dispute?

A request for mediation may be made either before or after a request for a due process hearing is made.

ATTACHMENT 18(e)

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

What is a pre-hearing mediation conference?

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC 56500.3 and 56503*)

Due Process Rights

What are my due process rights?

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (*20 USC 1415[f][1][A], 1415[f][3][A]-[D]; 34 CFR 300.511; EC 56501[b][4]*)
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC 56505 [e][1]*)
3. Present evidence, written arguments, and oral arguments (*EC 56505[e][2]*)
4. Confront, cross-examine, and require witnesses to be present (*EC 56505[e][3]*)
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC 56505[e][4]*)
6. Have your child present at the hearing (*EC 56501[c][1]*)
7. Have the hearing be open or closed to the public (*EC 56501[c][2]*)
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing (*EC 56505[e][7] and 56043[v]*)
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC 56505[e][6]*)
10. Have an interpreter provided (*CCR 3082[d]*)
11. Request an extension of the hearing timeline (*EC 56505[f][3]*)
12. Have a mediation conference at any point during the due process hearing (*EC 56501[b][2]*), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC 56507[a]*). (*20 USC 1415[e]; 34 CFR 300.506, 300.508, 300.512 and 300.515*)

Filing a Written Due Process Complaint

How do I request a due process hearing?

ATTACHMENT 18(f)

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[b][7], 1415[c][2]; 34 CFR 300.508; EC 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC 1415[f][1][B]; 34 CFR 300.510)

What does a resolution session include?

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

Does my child's placement change during the proceedings?

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; EC 56505[d])

May the decision be appealed?

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[i]; 34 CFR 300.516; EC 56505[h] and [k], EC 56043[w])

Who pays for my attorneys' fees?

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

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Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings
Attention: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
(916) 263-0880
FAX (916) 263-0890

School Discipline and Placement Procedures for Students with Disabilities

School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- ❖ An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
- ❖ Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

What occurs after a removal of more than ten (10) days?

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

What happens if the IEP team determines that the misconduct is not caused by the disability?

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC 1415[k][1] and [7]; 34 CFR 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 *CFR* 300.530; *EC* 48915.5[b])

Children Attending Private School

May students who are parentally placed in private schools participate in publicly funded special education programs?

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 *USC* 1415[a][10][A]; 34 *CFR* 300.137 and 300.138; *EC* 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56175)

When may reimbursement be reduced or denied?

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- ❖ At the most recent IEP team meeting you attended before removing your child from the public school, or
- ❖ In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56176)

When may reimbursement not be reduced or denied?

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- ❖ The school prevented you from providing notice
 - ❖ You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
 - ❖ Providing notice would likely have resulted in physical harm to your child
 - ❖ Illiteracy and inability to write in English prevented you from providing notice, or
 - ❖ Providing notice would likely have resulted in serious emotional harm to your child
- (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56177)

State Complaint Procedures

When may I file a state compliance complaint?

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one

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year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 *CFR* 300.151–153; 5 *CCR* 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, CA 95814

For complaints involving issues **not** covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at (800) 926-0648; by fax at 916-327-3704; or by visiting the CDE Web site at <http://www.cde.ca.gov/sp/se>.

Glossary of Abbreviations Used in This Notification

ADR	Alternative Dispute Resolution
<i>CFR</i> :	<i>Code of Federal Regulations</i>
<i>EC</i>	<i>California Education Code</i>
FAPE	Free Appropriate Public Education
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
OAH:	Office of Administrative Hearings
SELPA:	Special Education Local Plan Area
<i>USC</i> :	<i>United States Code</i>

Other Legal Citations and Terms Used in this Guide

<i>EC</i>	<i>California Education Code</i>
<i>5 CCR</i>	<i>Title 5, California Code of Regulations</i>
<i>FERPA</i>	<i>Family Educational Rights and Privacy Act</i>
<i>HSC</i>	<i>California Health and Safety Code</i>
<i>PC</i>	<i>California Penal Code</i>
<i>VC</i>	<i>California Vehicle Code</i>
<i>WIC</i>	<i>California Welfare and Institutions Code</i>
<i>34 CFR</i>	<i>Title 34, Code of Federal Regulations</i>
<i>40 CFR</i>	<i>Title 40, Code of Federal Regulations</i>
<i>USC</i>	<i>United States Code</i>