

CONTRA COSTA OFFICE OF EDUCATION



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NOTICE TO PARENTS

REGARDING FEDERAL LAWS AND EDUCATION CODE EXCERPTS RELATING TO RIGHTS OF PARENTS OR GUARDIANS OF MINOR PUPILS (E.C. 48980(a))

This is a notice informing you of federal and state regulations concerning parents' or guardians' rights and is available in Spanish. To get a copy, please call the school office with your request.

Este aviso que resume las leyes federales y estatales con respecto a los derechos de padres o tutores, esta a su disposicion en espanol. Si usted desea una copia, puede pedirla llamando a la oficina de su escolar.

Absence for Religious Exercises and Instruction: Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)

Comprehensive Sexual Health Education and HIV/AIDS Prevention Education: Parents may request in writing that their child not receive all or part of comprehensive sexual health education or HIV/AIDS prevention education. Parents may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the County Office of Education provide them with a copy of Education Code section 51938.

Parents or guardians shall be notified in writing if the County Office of Education plans to administer an anonymous, voluntary and confidential test, questionnaire or survey containing age-appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 to 12 and given the opportunity to review the test, questionnaire or survey. A Parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing. (Ed. Code. § 51938)

Every child's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by County Office of Education personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified. .

Excuse From Instruction in Health: Upon written request of a parent, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)

Administration of Medication: Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5, 49480)

Students on Medication: Parents are to notify the principal if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)

Immunizations: The County Office of Education shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Health & Safety Code section 120370. The immunization exemption based on personal beliefs has been eliminated. (Health & Safety Code, § 120325). A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the County Office of Education, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the County Office of Education shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law. (Health & Safety Code, § 120335). A student may still be exempted from the immunization requirement based on medical condition or circumstances. A parent or guardian must file with the County Office of Education a statement from a licensed physician saying that the immunization is not considered safe and is not recommended based upon the nature or duration of the medical condition or circumstances, including, but not limited to, the family medical history. (Health & Safety Code, § 120370)

A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. (Ed. Code, §§ 48216, 48853.5(d), 48980(a), 49403, Health & Safety Code, §§ 120325, 120335, 120341)

Physical Exams and Testing: The County Office of Education is required to conduct certain physical examinations and vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease. (Ed. Code, §§ 49451, 49452, 49452.5 and 49455, Health & Safety Code, § 124085)

Confidential Medical Services: For students in grades 7 through 12, the County Office of Education may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student's parent or guardian. (Ed. Code, § 46010.1)

Medical Coverage for Injuries: Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent's expense. No pupil shall be compelled to accept such services without his or her consent or, if the pupil is a minor, without the consent of a parent or guardian. (Ed. Code, § 49472)

Medical and Hospital Services Not Provided: The County Office of Education does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Ed. Code, §§ 32221.5, 49471)

Services for Students with Exceptional Needs or a Disability: State and federal law requires that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific information. (Ed. Code, § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. §104.32) The County Office of Education official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone: **Lynn Mackey, Senior Director of Educational Services, 77 Santa Barbara Road, Pleasant Hill, CA 94523 (925) 942- 5306**

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

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

- Due to his or her illness.
- Due to quarantine under the direction of a county or city health officer.
- For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- For the purpose of jury duty in the manner provided for by law.

- Due to the illness or medical appointment during the school hours of a child of whom the pupil is the custodial parent.
- For justifiable personal reasons, including but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the County Office of Education.

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.

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

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

Equal Opportunity: Equal opportunities for both sexes in all educational programs and activities run by the County Office of Education is a commitment made by the County Office of Education to all students. (Title IX of the Education Amendments of 1972.) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the County classrooms may be referred to the County Office of Education official listed below at the following address and telephone: **Lynn Mackey, Senior Director of Educational Services, 77 Santa Barbara Road, Pleasant Hill, CA 94523 (925) 942- 5308**

Complaints (Special Education): Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents may submit a description of the manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations to: **Nicholas Berger, Director of Special Education, 77 Santa Barbara Road, Pleasant Hill, CA 94523 (925) 942- 3376**

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

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

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

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

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

- A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.
- Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.
- A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.

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

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

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

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

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

A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. Student Record Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code, § 49064)

School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. "School officials and employees" are persons employed by the County Office of Education as an administrator, supervisor, instructor, or support staff member (including health or medical staff and County Office of Education-employed law enforcement personnel), a Board member, a person or company with whom the County Office of Education has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent or student whose access to student records is legally authorized. A "legitimate educational interest" is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5, 20 U.S.C. § 1232g)

- Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
- Parents and guardians will be charged .10(ten) cents per page for the reproduction of student records.
- Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g(g))
- Parents may obtain a copy of the County Office of Education's complete student records policy by contacting the Superintendent.

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

Student Discipline: County Office of Education and School rules pertaining to student discipline are available to parents or guardians of County Office of Education students in the school office. (Ed. Code, § 35291) Students may be subject to discipline for off-campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or County Office of Education property even if such misconduct occurred off-campus and during nonschool hours. (Ed. Code, §48900(r))

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

Temporary Disability: A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school in which the pupil is deemed to reside of the pupil's need for individualized instruction. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. (Ed. Code, §§ 48206.3, 48207, 48208, 48980(b))

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

Parent Exemptions: California Code of Regulations, Title 5, Section 852 permits a parent or guardian to submit to the school annually a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code Section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and will be included in the student's records.

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

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

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

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

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

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

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

- Political affiliations.
- Mental and psychological problems potentially embarrassing to the student or his family.
- Sex behavior and attitudes.
- Illegal, anti-social, self-incriminating and demeaning behavior.
- Critical appraisals of other individuals with whom respondents have close family relationships.
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
- Religious practices, affiliations, or beliefs of the student or student's parent.
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. (20 U.S.C. § 1232h)

Uniform Complaint Procedures:

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:

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

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

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

- Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(b)(1))
- Copies of the County Office of Education's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)
- Complaints must usually be filed with the Assistant Superintendent of the County Office of Education.
- Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the County Office of Education superintendent or designee for an extension of up to ninety (90) days following the six (6) month time

period. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b)).

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

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

Written complaints may be made regarding:

(1) Adult Education; (2) Consolidated Categorical Aid Programs; (3) No Child Left Behind Programs, including improving academic achievement, compensatory education, Limited English proficiency and Migrant Education; (4) Career Technical Education; (5) Child Care and Development; (6) Child Nutrition; (7) Special Education; (8) "Williams Complaints"; (9) Pupil Fees; (10) Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP); (11) Student Parent Lactation Accommodations; (12) Course Assignments; (13) Physical Education Instructional Minutes; (14) Foster and Homeless Youth Services; (15) Regional Occupational Centers and Programs

(Cal. Code Regs., tit. 5, §§ 4610(b), 4630, Ed. Code, §§ 222. 35186, 47606/5, 47607.3, 48853.5, 49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1, 51228.2, 51228.3, 52060-52075, and 52334.7)

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

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

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

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

Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code, § 35186) 1) Insufficient textbooks and instructional materials; 2) Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils; 3) Teacher vacancy or misassignment

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

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

Responsible Official: The County Office of Education official responsible for processing complaints is listed below at the following address: **Katie Gaines, Assistant Superintendent for Human Resources, 77 Santa Barbara Road, Pleasant Hill, CA 94523 (925) 942- 3407**

Complaints Made Directly to the State Superintendent: Complaints may be filed directly with the State Superintendent of Public Instruction in the following cases:

- Complaints alleging that the County Office of Education failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation..
- Complaints regarding Child Development and Child Nutrition programs not administered by the County Office of Education.

- Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at County Office of Education level.
- Complaints alleging that the County Office of Education failed or refused to implement a final decision regarding a complaint originally filed with the County Office of Education.
- Complaints alleging that the County Office of Education took no action within sixty (60) days regarding a complaint originally filed with the County Office of Education.
- Complaints alleging immediate and irreparable harm as a result of applying a County Office of Education-wide policy in conflict with state or federal law and that complaining at the local level would be futile.
- Complaints relating to Special Education, but only if:
 - County Office of Education unlawfully refuses to provide a free appropriate public education to handicapped students; or
 - County Office of Education refuses to comply with due process procedures or fails to implement due process hearing order; or
 - Children may be in immediate physical danger, or their health, safety or welfare is threatened; or
 - A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP);
 - The complaint involves a violation of federal law.
- The County Office of Education refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the County Office of Education. (Cal. Code Regs., tit. 5, §§ 4630, 4650)

Appeals: Except for Williams Complaints, a complainant may appeal the County Office of Education's decision to the California Department of Education. (Ed. Code, § 262.3(a), Cal. Code Regs., tit. 5, § 4632)

- Appeals must be filed within fifteen (15) days of receiving the County Office of Education decision.
- Appeals must be in writing
- Appeals must specify the reason(s) for appealing the County Office of Education decision, including whether the facts are incorrect and/or the law has been misapplied
- Appeals must include a copy of the original complaint and a copy of the County Office of Education decision.
- Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.
- If the school/County Office of Education finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/County Office of Education must provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to the procedures established through regulations adopted by the state board.

If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)

Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.

The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

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

Pupil-Free Staff Development Day and Minimum Day Schedule: A copy of the County Office of Education's pupil-free staff development day(s) and minimum day schedules are posted on the school website and may be obtained from the office. A pupil's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, §48980(c))

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

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

School Accountability Report: Parents/guardians may request a hard copy of the School Accountability Report Card which is issued annually for each school of the County Office of Education. (Ed. Code, § 35256)

No Child Left Behind Act of 2001: The California Department of Education is in the process of transitioning from the requirements of the No Child Left Behind Act to the new Every Student Succeeds Act (ESSA). Both of these laws modify the Elementary and Secondary Education Act of 1965 (ESEA). Most of the new provisions will apply in the 2017-2018 school year. As the County Office of Education receives updates, parent notice requirements may change:

Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides: Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects s/he teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the teacher's college major, whether s/he has any advanced degrees and the subject(s) of those degrees, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. The County Office of Education shall also notify parents if their child has been assigned to or has been taught for four or more consecutive weeks by a teacher who is not highly qualified. (20 U.S.C. § 6311(h)(6))

Information Regarding Individual Student Reports on Statewide Assessments: Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student. (20 U.S.C. § 6311(h)(6))

Limited English Proficient Students: The Act requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, including: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs; how the recommended program will meet the student's needs; the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable, and; parent options for removing a student from a program and/or declining initial enrollment. (20 U.S.C. § 6312(g)(1)(A))

Program Improvement Schools: Parents shall be notified when their child's school is identified a "program improvement" school. Parents must be notified as to what the identification means, how the school compares to other County Office of Education schools, the reasons for the identification, how the low achievement is being addressed by the school, County Office of Education, or State, and how the parents can be involved. The parents must also be notified about the opportunities for alternative supports. (20 U.S.C. § 6316(b)(6))

The information provided above is available upon request from each child's school or the County Office of Education office. Additional notices that may be required under the No Child Left Behind Act shall be sent separately. (20 U.S.C. §§ 6301 et seq.)

Children In Homeless/Foster Care Situations: Each local County Office of Education shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5, 42 U.S.C. § 11432(g)(1)(J)(ii), (g)(6))

A County Office of Education serving a homeless child must allow the child to continue his/her education in the school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the County Office of Education must allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the County Office of Education must allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels must be allowed to continue in the

school of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school is required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency. (Ed. Code, § 48852.7)

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

The County Office of Education serving the foster child shall allow the foster child to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including immunization history. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5) Page 11 of 23 Rev. 06/2016

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

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

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

A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the County Office of Education's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

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

HEALTHY SCHOOLS ACT OF 2000: Assembly Bill 2260 went into effect on January 1, 2001. This legislation enacted Education Code sections 17608 et seq. which require, among other things, that the County Office of Education notify parents and staff about the use of pesticides at school. The purpose of this legislation is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

The Contra Costa County Office of Education expects to use pesticides at its campuses during the upcoming 2016 – 2017 school year:

Parents/guardians of the Contra Costa County Office of Education can register with the County Office of Education's Maintenance and Grounds department to receive notification of individual pesticide applications by calling John Hild at (925) 942-3304. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department's web-site at www.cdpr.ca.gov.

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

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

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

The following requirements apply to prohibited pupil fees:

- All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
- A fee waiver policy shall not make a pupil fee permissible.
- The County Office of Education and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the County Office of Education or school does not provide.
- A County Office of Education or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a County Office of Education or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the County Office of Education or school.
- Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. The County Office of Education, schools, and other entities are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.)
- A complaint of noncompliance may be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed, Code. § 49013)

**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 amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

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

If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise the parent or eligible student of the 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.

Upon request, the School discloses education records, without prior consent, to officials of another school district in which a student seeks or intends to enroll. - **OR** - The School will make a reasonable attempt to notify the parent or eligible student of a records request by officials of another school district in which a student seeks or intends to enroll.

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

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

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

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

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

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

Receive notice and an opportunity to opt a student out of --

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

Inspect, upon request and before administration or use --

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

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

Contra Costa County Office of Education has develop 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. Contra Costa County Office of Education will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Contra Costa County Office of Education will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Contra Costa County Office of Education will make this notification to parents at the beginning of the school year if the County Office of Education has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

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

Parents/eligible students who believe their rights have been violated may file a complaint with: **Lynn Mackey, Director of Student Programs, 77 Santa Barbara Road, Pleasant Hill, CA 94523 (925) 942- 530**

CHILD ABUSE REPORTING GUIDELINES AND PROCEDURES

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

Child Abuse Can Be Any of the Following:

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

Child Abuse Does *Not* Include:

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

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

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

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

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

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

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

If the complaint of child abuse is "substantiated" or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records.

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

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

Contra Costa County Office of Education Board Policy

Students

5145.7(a)

Sexual Harassment

The County Board of Education and the County Superintendent of Schools are committed to maintaining a learning environment that is free of sexual harassment. The Board and Superintendent prohibit the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The County Superintendent of Schools or designee shall ensure that students receive age-appropriate information related to sexual harassment. Students shall be assured that they need not endure any form of sexual conduct or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any sexual harassment which impairs the educational environment or a student's emotional well being at school. They shall be informed that they should immediately contact an administrator or designee if they feel they are being sexually harassed.

Any student who engages in the sexual harassment of anyone at school or a school related activity shall be subject to disciplinary action up to and including expulsion.

Any employee, who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. When appropriate, a referral to child protective services and law enforcement authority may be made.

Staff shall immediately report complaints of sexual harassment to the site administrator or designee or to another County Office of Education administrator or the Director of Human Resources. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

A complaint of sexual harassment may be filed in accordance with this policy or the County Office of Education's uniform complaint procedures (Policy No. 1312.3). The Superintendent or designee shall determine which procedure is appropriate.

Any student who feels that he/she is being harassed should immediately contact the County Office of Education administrator or designee at his/her school/site, or the Title IX/Gender Equity Coordinator (Director, Human Resources, 510-942-3387, 77 Santa Barbara Road, Pleasant Hill, California 94523).

The County Office of Education prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall be cautioned not to discuss related information outside the investigation process.



CONTRA COSTA COUNTY
Office of Education
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**ACKNOWLEDGEMENT OF PARENT/GUARDIAN
ANNUAL RIGHTS NOTIFICATION 2016-2017**

Detach, sign, and return this page to your child’s school indicating you have received the Student and Parent/Guardian Handbook, which contains the Parent Notice of Rights and Responsibilities, Uniform Complaint Procedures, Hate-Motivated Behavior Policy, and Student Non-Discrimination/Harassment Policy. (Annual Notification)

Student’s Name: _____
(Please Print)

School: _____ Grade: _____

I hereby acknowledge receipt of information regarding my rights, responsibilities, and protections.

Parent or Guardian: _____
(Please Print)

Signature of Parent or Guardian: _____ Date: _____

Signature of Student: _____

