

PARENT NOTICE OF RIGHTS AND RESPONSIBILITIES

- 1. ABSENCE FOR RELIGIOUS EXERCISES AND INSTRUCTION:** Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. (Ed. Code § 46014)
- 2. COMPREHENSIVE SEXUAL HEALTH EDUCATION AND HIV/AIDS PREVENTION EDUCATION:** You may request in writing that your child not receive 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. You have a right to request that the District provide you with a copy of Education Code section 51938, the State law on this subject.

You 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 district personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified. You have a right to request that the District provide you with a copy of Education Code sections 51933 and 51934, the State law on this subject.
- 3. ADMINISTRATION OF MEDICATION:** Medication prescribed by a physician for a child may be administered during the school day by a nurse or other designated school personnel, or self-administered by the child if prescription auto-injectable epinephrine, but only under detailed written instruction and written request of the parent. (Ed. Code §§ 49403, 49480, 49423) Forms for administering medication may be obtained from the school secretary
- 4. STUDENTS ON MEDICATION:** Parents/guardians are to notify the principal if their child is on continuing medication. 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)
- 5. IMMUNIZATIONS:** Immunization for communicable disease may be consented to in writing by a parent/guardian for a licensed physician and surgeon, or nurse acting under the direction of such, to administer. (Ed. Code § 49403)
- 6. PHYSICAL EXAMS:** The District is required to conduct certain physical examinations and vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease. (Ed. Code §§ 49451, 49452, 49452.5 and 49455, Health & Safety Code § 124085)
- 7. CONFIDENTIAL MEDICAL SERVICES:** For students in grades 7 through 12, the District may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student's parent or guardian. (Ed. Code § 46010.1)
- 8. ACCIDENT-MEDICAL COVERAGE:** Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent's expense. (Ed. Code § 49472)
- 9. MEDICAL AND HOSPITAL SERVICES NOT PROVIDED:** Districts which do not provide medical and hospital services for students injured while participating in athletic activities must notify parents/guardians in writing of this fact. (Ed. Code § 49471)
- 10. DISABLED STUDENTS:** State and federal law requires that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Disabled students for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific

information. (Ed. Code § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. §104.32) The District official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone: Suzanne Fagundes, Director—Child Welfare and Attendance. She may be reached at the Education Center, 2010 W. Swain Road, Stockton, (209) 953-8727.

11. **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 § 48980(k))

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

- a. Due to his or her illness.
- b. Due to quarantine under the direction of a county or city health officer.
- c. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- d. For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- e. For the purpose of jury duty in the manner provided for by law.
- f. Due to the illness or medical appointment during the school hours of a child of whom the pupil is the custodial parent/guardian.
- g. For justifiable personal reasons, including but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- h. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

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

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

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

12. **EQUAL OPPORTUNITY:** Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972.) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to Tom Uslan, Associate Superintendent—Human Resources at 2010 W. Swain Road, Stockton, (209) 953-8733.
13. **COMPLAINTS (SPECIAL EDUCATION):** Parents/guardians may file a complaint concerning violations of federal or state law or regulations governing special education related services. To file a complaint, write a description of the manner in which you believe special education programs for handicapped do not

comply with state or federal law or regulations and file with Robin Searway, Director—Special Education at 2010 W. Swain Road, Stockton, California 95207. (5 C.C.R. §§ 4630, 4650)

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

Name, address, telephone, date and place of birth, major field of study, class schedule, class roster, photographs, 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.

15. **INSPECTION OF STUDENT RECORDS:** State law requires that the District notify you of the following rights which pertain to student records. (Ed. Code § 49063)
- a. A parent or guardian has the right to inspect and review student records relating directly to their child during school hours or obtain a copy of such records within five (5) days of his/her request. (Ed. Code § 49069)
 - b. Any parent/guardian who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.
 - c. A parent/guardian 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/guardian 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/guardian may file a written request with the Superintendent of the District to remove any information recorded in the written records concerning the child which is alleged to be:

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

Within thirty (30) days, the Superintendent shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District, and sustain or deny the allegations. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the Superintendent denies the allegations, the parent/guardian 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/guardians, or if the parent/guardian accepts an unfavorable decision by the District Superintendent, the parent/guardian shall have the right to submit a written statement of objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed.

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

- d. A *Student Records Log* is maintained for each student. The *Student Records Log* lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. *Student Record Logs* are located at each school and are open to inspection by parents or guardians. (Ed. Code § 49064)
 - e. School officers or employees having a legitimate educational interest may access student records without first obtaining parental consent. "School officers and employees" are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent/guardian 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 "legitimate educational interest" is one held by a school officer or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code § 49076)
 - f. Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
 - g. Parents and guardians will be charged twenty-five (25) cents per page for the reproduction of student records.
 - h. Parents/guardians have a right to file a complaint with the U.S. Department of Education for alleged violations of parent/guardian rights related to student records. (20 U.S.C. § 1232(g))
 - i. Parents/guardians may obtain a copy of the District's complete student records policy by contacting the Superintendent.
16. **FAMILY EDUCATION RIGHTS PRIVACY ACT:** In addition, you have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying you of these rights is attached.
17. **STUDENT DISCIPLINE:** District and School Rules pertaining to student discipline are available to parents or guardians of district students in the school office. (Ed. Code § 35291)
18. **DISSECTION OF ANIMALS:** If a student has a moral objection to dissecting or otherwise (harming or destroying animals), or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil's parent or guardian. If the pupil chooses to refrain from participating in such a project, and if the teacher believes that an adequate alternative education project is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. (Ed. Code §§ 32255-32255.6)
19. **TEMPORARY DISABILITY:** A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. (Ed. Code §§ 48207, 48208, 48206.3)
20. **STUDENT RESIDENCY:** A K-8 student may be enrolled through interdistrict transfer in a district where one or both of the student's parents or legal guardian works rather than in the district in which the student resides. In addition, a student shall be deemed to be a District resident if: (1) the student is placed in a

regularly established children's institution, licensed foster home, or family home; (2) an emancipated student who lives within the District; (3) a student who lives in the home of an adult who has submitted a caregiver affidavit; or (4) a student who resides in a state hospital in the District. (Ed. Code § 48204)

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

a. Choosing a School Within District in Which Parent Lives: The law (EC §35160.5(b)) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within a school district as follows:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be "random and unbiased," which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer.
- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- A district is not required to provide transportation assistance to a student that transfers to another school in the district under these provisions.
- If a transfer is denied, a parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents to appeal a decision.

b. Choosing a School Outside District in Which Parent Lives: Parents have three different options for choosing a school outside the district in which they live. The three options are:

i. Districts of Choice (EC § 48300 through 48315): The law allows, but does not require, each school district to become a "district of choice"—that is, a district that accepts transfer students from outside the district under the terms of the referenced Education Code sections. The school board of a district that decides to become a "district of choice" must determine the number of students it is willing to accept in this category each year and make sure that the students are selected through a "random and unbiased" process, which generally means a lottery process. If the district chooses not to become a "district of choice", a parent may not request a transfer under these provisions. Other provisions of the "district of choice" option include:

- Either the district a student would transfer to or the district a student would transfer from may deny a transfer if it will negatively affect the racial and ethnic balance of the district, or a court-ordered or voluntary desegregation plan. The district a student would be leaving may also limit the total number of students transferring out of the district each year to a specified percentage of its total enrollment, depending on the size of the district.

- No student who currently attends a school or lives within the attendance area of a school can be forced out of that school to make room for a student transferring under these provisions.
 - Siblings of students already attending school in the “district of choice” must be given transfer priority.
 - A parent may request transportation assistance within the boundaries of the “district of choice”. The district is required to provide transportation only to the extent it already does so.
- ii. Other Interdistrict Transfers (EC §§46601.5 through 46611): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. 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:
- Both the school district a parent is requesting a transfer to and the one a parent is transferring from are encouraged to take into consideration the childcare needs of the student. If the transfer is approved based on childcare needs, the student may be allowed to stay in the new district or the high school district to which it feeds through the 12th grade, subject to certain conditions.
 - If either district denies a transfer request, a parent may appeal that decision 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.
- iii. Parental Employment in Lieu of Residency Transfers (EC §48204(f)): The law provides that if one or both parents of an elementary school student are employed in the boundaries of a school district other than the one in which they live, the student may be considered a resident of the school district in which his/her parents work. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic achievement, or any other “arbitrary” consideration. Other provisions of EC §48204(f) include:
- Either the district in which the parent lives or the district in which the parent works may prohibit the student’s transfer if it is determined that there would be a negative impact on it.
 - 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.
 - There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
 - There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student must provide in writing to the parent the specific reasons for denying the transfer.

Parents/guardians interested in interdistrict or intradistrict transfers should contact Suzanne Fagundes, Director—Child Welfare and Attendance, 2010 W. Swain Road, Stockton, (209) 953-8727.

22. **SEXUAL HARASSMENT POLICY:** Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual

harassment as a form of sexual discrimination and to provide notification of available remedies. (Ed. Code § 212.6) A copy of the District's policy on sexual harassment is attached. (Ed. Code § 48980(f))

23. **NOTICE OF ALTERNATIVE SCHOOLS:** California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:
- a. Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
 - b. Recognize that the best learning takes place when the student learns because of his desire to learn.
 - c. Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.
 - d. Maximize the opportunity for teachers, parents/guardians and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous permanent process.
 - e. Maximize the opportunity for the students, teachers, and parents/guardians to continuously react to the changing world, including but not limited to the community in which the school is located.

Students and/or parents/guardians interested in further information should contact Phyllis Kahl, Principal—Alternative Education at (209) 953-8740 or (209) 953-8687 (Ed. Code § 58501)

24. **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.)
25. **LEAVING SCHOOL GROUNDS:** Consistent with state law, students enrolled in district high schools may be allowed to leave school grounds during their lunch period. Lincoln High School students in the freshman and sophomore classes observe a closed campus rule. Section §44808.5 of the Education Code further states, "Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any student during such time as the student has left the school grounds pursuant to this section." (EC §44808.5)
26. **U.S. DEPARTMENT OF EDUCATION PROGRAMS:** The following applies only to programs directly funded by the U.S. Department of Education:

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

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

- a. Political affiliations;
- b. Mental and psychological problems potentially embarrassing to the student or his family;
- c. Sex behavior and attitudes;
- d. Illegal, anti-social, self-incriminating and demeaning behavior;
- e. Critical appraisals of other individuals with whom respondents have close family relationships;
- f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

- g. Religious practices, affiliations, or beliefs of the student or student's parent; or
- h. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent/guardian. (20 U.S.C. § 1232h)

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

28. **UNIFORM COMPLAINT PROCEDURES:**

Complaints Alleging Discrimination:

The District has a written complaint procedure which may be used in cases where individuals have suffered discrimination on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability. (5 C.C.R. §§ 4610, 4630, 4650)

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

Complaints Other Than Discrimination:

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

- a. Written complaints may be made in the following areas: (5 C.C.R. §§ 4610(b), 4630)
- (1) Adult Basic Education
 - (2) Consolidated Categorical Aid Programs
 - (3) Migrant Education
 - (4) Vocational Education
 - (5) Child Care and Development
 - (6) Child Nutrition
 - (7) Special Education
- b. Complaints must usually be filed with District Superintendent or designee. In the following cases, however, complaints may be filed directly with the State Superintendent of Public Instruction: (5 C.C.R. §§ 4630, 4650)
- (1) Complaints alleging that the District failed to comply with the complaint procedures described herein.
 - (2) Complaints regarding Child Development and Child Nutrition programs not administered by the District.
 - (3) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.
 - (4) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
 - (5) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
 - (6) Complaints relating to Special Education, but only if:
 - (a) District unlawfully refuses to provide a free appropriate public education to handicapped students; or
 - (b) District refuses to comply with due process procedures or fails to implement due process hearing order; or
 - (c) Children may be in immediate physical danger, or their health, safety or welfare is threatened; or
 - (d) A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or
 - (e) The complaint involves a violation of federal law.
 - (7) The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.
- c. Williams Settlement 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; or
- (3) Teacher vacancy or misassignment.

The District official responsible for processing complaints is Steve A. Lowder, Ed.D., Superintendent, 2010 W. Swain Road, Stockton, CA 95207, (209) 953-8712.

Appeals:

- a. If a complaint is denied, in full or in part, by the District, the complainant may appeal to the State Superintendent of Public Instruction. (Ed. Code § 262.3(a), 5 C.C.R. § 4652)
 - (1) Appeals must be filed within fifteen (15) days of receiving the District decision.

Complainant may, within that fifteen (15) day period, file a written request for an extension. Extensions will not be automatically granted, but may be granted for good cause.
 - (2) Appeals must be in writing.
 - (3) Appeals must specify the reason(s) for appealing the District decision.
 - (4) Appeals must include a copy of the original complaint and a copy of the District decision.
- b. If a complaint is denied, in full or in part, by the State Superintendent of Public Instruction, the complainant may request reconsideration by the Superintendent. (5 C.C.R. § 4665)
 - (1) Reconsideration must be requested within thirty-five (35) days of receiving the State Department of Education report.
 - (2) The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:

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

- 29. **PUPIL-FREE STAFF DEVELOPMENT DAY AND MINIMUM DAY SCHEDULE:** A copy of the District’s pupil-free staff development day and minimum day schedules is attached for your reference. (Ed. Code §48980(c))
- 30. **ACCESS TO HARMFUL MATTER ON THE INTERNET AND ON-LINE SERVICES:** A copy of the District’s policy regarding student access to harmful matter on the Internet and other on-line services is attached. (Ed. Code §48980(h))
- 31. **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 your review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code §49091.14)
- 32. **HIGH SCHOOL EXIT EXAMINATION:** Commencing with the 2005-2006 school year, and each school year thereafter, each pupil completing 12th grade will be required as a condition of graduation to successfully pass the high school exit examination mandated by State law. Pupils may take the exit examination prior to reaching the 12th grade. In order to pass the exit examination, a pupil will be

required to demonstrate mastery of statewide academically rigorous content standards in language arts and mathematics. A pupil who fails to pass all parts of the examination by the completion of 12th grade shall not receive a diploma. (Ed. Code §§48980(e) and 60850)

33. **CHILD FIND SYSTEM; POLICIES AND PROCEDURES:** Any parent suspecting that a child has exceptional needs (handicapped) may request an assessment for eligibility for special education services through the school principal. Policy and procedures shall include written notification to all parents of their rights pursuant to EC §56300. (Ed. Code § 56301; 34 CFR § 104.32(b))
34. **SCHOOL ACCOUNTABILITY REPORT:** Parents/guardians may request a School Accountability Report Card which is issued annually for each school of the District. (Ed. Code § 35256)
35. **ASBESTOS MANAGEMENT PLAN:** An updated management plan for asbestos-containing material in school buildings is available at the District's Operations office. (40 C.F.R. § 763.93)
36. **AVAILABILITY OF STATE FUNDS TO COVER COSTS OF ADVANCED PLACEMENT EXAMINATION FEES:** School districts may apply to the State Department of Education for grant funding to assist economically disadvantaged pupils pay for advanced placement examination fees. The District has not applied for this state grant; College Board fee reductions are used for those students that cannot afford the full amount. The cost to take an advanced placement exam last year was \$77, however, with the fee reduction, students pay \$40 per exam. (Ed. Code §§ 48980(l) and 52244)
37. **NO CHILD LEFT BEHIND ACT OF 2001:** Under the NCLB, parents have the following rights:
 - 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 your child and, if so, their qualifications. Districts shall also notify parents if their child has been assigned to or has been taught for 4 or more consecutive weeks by a teacher who is not highly qualified.
 - 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.
 - Limited English Proficient Students: The Act requires prior 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 of placement in a language instruction educational program, the student's level of English proficiency, how such level was assessed, the status of the student's academic achievement, the methods of instruction used in the programs available, how the recommended program will meet the student's needs, program performance, parent options to remove a student from a program and/or to decline initial enrollment, and expected rate of transition into classrooms not tailored for limited English proficient students.
 - Program Improvement Schools: Parents shall be notified when their child's school is identified a "program improvement" school and the opportunities for school choice and supplemental instruction.

The information provided above is available upon request from your child's school or the district office. Additional notices that may be required under the No Child Left Behind Act shall be sent separately. (20 USC §§6301 and following)

38. **MILITARY RECRUITER INFORMATION:** The No Child Left Behind Act of 2001 and Education Code section 49073.5 requires that school districts disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents/guardians request that this information not be released without prior written consent. Parents/guardians have the option of making

such a request. If you do not wish this information to be provided to military recruiters, please notify the District office of this fact in writing. The writing should be directed to Suzanne Fagundes, Director—Child Welfare and Attendance at 2010 W. Swain Road, Stockton, CA 95207.

39. **CHILDREN IN HOMELESS SITUATIONS:** Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (42 USC § 11432(g)(1)(J)(ii), (g)(6))
40. **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))

Use to request a transfer **from** Lincoln USD to another school district.

LINCOLN UNIFIED SCHOOL DISTRICT
Child Welfare and Attendance 2020 W. Swain Road Stockton, California 95207 Phone 209/953-8711 • Fax 209/953-8757

Interdistrict Transfer Request

I am the legal parent/guardian of the following child(ren) and hereby request that my child(ren) be granted permission to attend school in the _____ School District for the school year ending June 200__:

Student Name (LAST, First)	Date of Birth	Grade	Current/Last School	School Requested

Parent/Guardian: _____ Home Phone: _____ Work Phone: _____ Home Address: _____ City: _____ Zip: _____ Ethnicity: _____ Are special education services required for your child(ren)? _____

Reason for Request (Please check and complete at least one of the following):

Parent employment in requested district:

Employer _____
 Address _____
 Phone _____ Supervisor _____

Child Care (K-3 only) : _____ Phone _____
 (Name of Person or Agency)

Address: _____

Other: _____



If this request is approved, I agree to the following conditions:

- Transportation to and from school is the parent's responsibility.
- This agreement will be revoked if state school law or district policies are violated.

Signature of Parent/Guardian: _____ **Date:** _____

:lsw/May 04

SEXUAL HARASSMENT

The Lincoln Unified School District Board of Trustees is committed to an educational environment in which all students are treated with respect and dignity. Each student has the right to learn in an environment that promotes equal educational opportunity and is free from discriminatory practices and harassment in any form.

Sexual harassment is a violation of Title IX of the Education Act Amendments of 1992, Title VII of the Civil Rights Act of 1964, and California Education Code Sections 210-214 inclusive.

Therefore, Lincoln Unified strongly condemns, opposes, and prohibits sexual harassment of students whether verbal, physical, or environmental, by any student, employee, or other person at school or at any school related activity.

Students shall be assured that they need not endure any form of sexual behavior or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school.

Any student who engages in the sexual harassment of anyone at school or at a school-related activity shall be subject to disciplinary action. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion.

Any Lincoln employee who engages in, permits, or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser. Sexual harassment may also be considered a violation of laws relating to child abuse.

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed. Within one working day, staff shall report complaints of sexual harassment to the school Principal, Dean of Students, Principal's designee, or the Lincoln Unified Director of Child Welfare and Attendance or the Associate Superintendent Human Resource Services. Staff shall similarly report any such incident(s) they observe, even if the harassed student has not complained.

The school Principal, Dean of Students, Principal's designee, or the Lincoln Unified Director of Child Welfare and Attendance or the Associate Superintendent Human Resource Services shall immediately investigate any report of sexual harassment of a student. Upon verifying that sexual harassment has occurred, the administrator shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of harassment. In addition, the student may file a formal complaint with the Superintendent or Superintendent's designee in accordance with the district's uniform complaint procedures

SEXUAL HARASSMENT

Lincoln Unified prohibits retaliatory behavior against any complainant or any participant in the complaint process. 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 not discuss related information outside the investigation process.

The Title IX coordinator for the Lincoln Unified School District shall be the Associate Superintendent Human Resource Services; 2010 West Swain Road; Stockton CA 95207 (209-953-8733)

*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Reese v. Jefferson School District, (2001) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143

Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288

Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028

Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS

Revised Sexual Harassment Guidance, January 2001

Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy

adopted: August 4, 2004

LINCOLN UNIFIED SCHOOL DISTRICT

Stockton, California

**Notification of Rights Under FERPA
For Elementary and Secondary Institutions**

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. They are:

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

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

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

Parents or eligible students may ask Lincoln Unified School District 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 District decides not to amend the record as requested by the parent or eligible student, the District 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 District 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 District 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.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District 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
600 Independence Avenue, SW
Washington, DC 20202-4605

STUDENT CALENDAR

STUDENT USE OF TECHNOLOGY

The Governing Board intends that technological resources provided by the district be used in a responsible and proper manner in support of the instructional program and for the advancement of student learning.

- (cf. 0440 - District Technology Plan)*
- (cf. 1113 - District and School Web Sites)*
- (cf. 4040 - Employee Use of Technology)*
- (cf. 6162.7 - Use of Technology in Instruction)*
- (cf. 6163.1 - Library Media Centers)*

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers and consequences for unauthorized use and/or unlawful activities.

- (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process: Students with Disabilities)*
- (cf. 5145.12 - Search and Seizure)*

On-Line Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced. (20 USC 7001, 47 USC 254)

The Board desires to protect students from access to harmful matter on the Internet or other on-line services. The Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet. He/she also shall establish regulations to address the safety and security of students when using electronic mail, chat rooms and other forms of direct electronic communication.

Disclosure, use and dissemination of personal identification information regarding students is prohibited.

Staff shall supervise students while they are using on-line services and may ask teacher aides and student aides to assist in this supervision.

Before using the district's on-line resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the district responsible and shall agree to indemnify and hold harmless the district and all district personnel for the failure of any technology protection measures, violations of copyright restrictions, users' mistakes or negligence, or any costs incurred by users.

STUDENT USE OF TECHNOLOGY (continued)

(cf. 6162.6 - Use of Copyrighted Materials)

In order to help ensure that the district adapts to changing technologies and circumstances, the Superintendent or designee shall regularly review this policy, the accompanying administrative regulation and other procedures. He/she shall also monitor the district's filtering software to help ensure its effectiveness.

*Legal Reference:*EDUCATION CODE

48980 Required notification at beginning of term
 51006 Computer education and resources
 51007 Programs to strengthen technological skills
 51870-51874 Education Technology
 51870.5 Student Internet access
 60044 Prohibited instructional materials

PENAL CODE

313 Harmful matter
 502 Computer crimes, remedies
 632 Eavesdropping on or recording confidential communications

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's online privacy protection

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

PUBLIC LAW 107-110

2401-2441 Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D
 2441 Internet safety

*Management Resources:*CDE PUBLICATIONS

K-12 Network Technology Planning Guide: Building the Future, 1994

CDE PROGRAM ADVISORIES

1223.94 Acceptable Use of Electronic Information Resources

WEB SITES

Federal Communications Commission: <http://www.fcc.gov>

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

Commission on Online Child Protection: <http://www.copacommission.org>

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

American Library Association: <http://www.ala.org>

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

Policy
 adopted: August 4, 2004

LINCOLN UNIFIED SCHOOL DISTRICT
 Stockton, California

HEALTHY SCHOOLS ACT OF 2000

Notice to all students, parents/guardians and employees of the Lincoln Unified School District:

Assembly Bill 2260 went into effect on January 1, 2001. This legislation enacted Education Code Sections 17608 et seq. and 48908.3 which require, among other things, that school districts notify parents/guardians 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 Lincoln Unified School District expects to use the following pesticides at its campuses during the upcoming year:

<u>Pesticide Name</u>	<u>E.P.A. Reg. Number</u>	<u>Active Ingredient(s)</u>
CB-80 Insecticide	944-96	Pyrethrins Piperonul Butoxide
CY-KICK CS	499-304	Cyfluthrin
Deltadust Insecticide	432-772	Deltamethrin
Maxforce Fine Granule Insect Bait	64248-19	Hydramethylnon
Maxforce Roach Killer Bait Gel	64248-14	Fipronil
NIBAN-FG Fine Granular Bait	64405-2	Orthoboric Acid
Roundup Herbicide	524-308	Isopropylamine salt of glyphosate
Tempo 20 WP Insecticide	3125-380	Cyfluthrin
Termidor SC Termiticide/Insecticide	432-901	Fipronil

Parents/guardians of the Lincoln Unified School District can register with the District's Operations office to receive notification of individual pesticide applications by calling (209) 953-8592 weekdays between 11:30 AM to 4:30 PM. 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.

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

PPRA affords parents and students who are 18 years old or emancipated minors (“eligible students”) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and administration of 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 (DE)--
 1. Political affiliations or beliefs of the student or student’s parent;
 2. Mental or psychological problems of the student or student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.

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

- *Inspect*, upon request and before administration or use --
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the education curriculum.

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

Lincoln Unified School District is in the process of developing and adopting 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. The District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

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

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

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