



SAN MARCOS UNIFIED SCHOOL DISTRICT

# ANNUAL NOTIFICATION

## 2022-2023 School Year

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The San Marcos Unified School District ("District") is required to annually notify pupils, parents, and guardians of their rights and responsibilities, pursuant to California Education Code 48980.

An acknowledgment of receipt of this notice must be signed by the parent or guardian and returned to the school as required by Education Code 48982.

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San Marcos Unified School District  
255 Pico Avenue, Suite 250  
San Marcos, CA 92069  
(760)752-1299    [www.smusd.org](http://www.smusd.org)

Governing Board:    Sarah Ahmad    Stacy Carlson    Jaime Chamberlin    Sydney Kerr    Carlos Ulloa, Ed.D.  
Andrew S. Johnsen, Ed.D., Superintendent



Dear Students, Parents and Guardians,

State law requires the San Marcos Unified School District to provide annual notification to students, parents and guardians of their rights and responsibilities pertaining to their child's education. Please read this Annual Notification. The parent or guardian is required to acknowledge their receipt of this notice by signing and returning the signature page to their child's school. The parent's or guardian's signature is an acknowledgment that they have been informed of their rights and does not indicate the parent's or guardian's consent for their child to participate or not participate in any particular program listed within the Annual Notification.

Some legislation requires additional notification to the parents or guardians during the school term prior to a specific activity. (A separate letter will be sent to the parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parents or guardians file with the principal of the school a statement in writing requesting that their child not participate.) Other legislation grants certain rights that are to be spelled out in this Annual Notification.

The District and its Board recognize that parent or guardian involvement in their child's education promotes student achievement and contributes greatly to the student's success. This Annual Notification contains information on the various ways parental involvement is both permitted and encouraged by federal and state laws, as well as District policies. The District commits to providing a quality education to all of its students in a safe and healthy environment. The District looks forward to a successful and positive school year, made possible by the dedicated efforts of its administrators, teachers, paraeducators, support staff, students, and parents and guardians.

Please read this Annual Notification carefully and return the signed forms to your student's school as soon as possible.

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## RULES AND PROCEDURES ON SCHOOL DISCIPLINE – EC 35291

### ALL STUDENTS

#### A. Suspension and Expulsion

##### 1. Suspension-EC 48900, 48900.5

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r) inclusive:

- a. (1) Caused, attempted to cause or threatened to cause physical injury to another person; (2) Willfully used force or violence upon the person of another, except in self-defense.
- b. Possessed, sold or otherwise furnished a firearm, knife, explosive or other dangerous object, unless in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred by the principal or designee of the principal.
- c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property.
- g. Stole or attempted to steal school property or private property.
- h. Possessed or used tobacco, or products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- k. (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated paragraph (1), and those acts, shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph is inoperative on July 1, 2020. (3) Except as provided in Section 48910, commencing July 1, 2020, a pupil enrolled in kindergarten or any of grades 1 to 5, inclusive, shall not be suspended for any of the acts specified in paragraph (1), and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. (4) Except as provided in Section 48910, commencing July 1, 2020, a pupil enrolled in any of grades 6 to 8, inclusive, shall not be suspended for any of the acts specified in paragraph (1). This paragraph is inoperative on July 1, 2025.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm. As used in this section "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit sexual assault as defined in Section 261, 266c, 286, 287, 288, or 289 of, or former Section 288a of, the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

- p. Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in hazing. For purposes of this subdivision, “hazing” is any method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.
- r. Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
  - i. “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
    - 1. Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
    - 2. Causing a reasonable pupil to experience substantially detrimental effect on the pupil’s physical or mental health.
    - 3. Causing a reasonable pupil to experience substantial interference with the pupil’s academic performance.
    - 4. Causing a reasonable pupil to experience substantial interference with the pupil’s ability to participate in or benefit from the services, activities, or privileges provided by a school.
  - ii. (A) “Electronic act” means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, pager, of a communication including, but not limited to, any of the following:
    - 1. A message, text, sound, video, or image.
    - 2. A post on a social network Internet web site, including but not limited to: a) Posting to or creating a burn page. “Burn page” means an Internet web site created for the purpose of having one or more of the effects listed in paragraph (i); b) creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (i). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purposes of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated; c) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (i). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
    - 3. An act of cyber sexual bullying. For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (1)-(4), inclusive of paragraph (i). A photograph or other visual recording, as described in this subclause, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording, or other electronic act. For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned events.
  - (B) Notwithstanding paragraph (i) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the internet.
  - iii. “Reasonable pupil” means a pupil, including, but not limited to, a pupil with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
- s. A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may

be suspended or expelled for the acts that are enumerated in this section and related to school activity or attendance that occur at any time, including but not limited to, any of the following:

- i. While on school grounds;
- ii. While going to or coming from school;
- iii. During the lunch period whether on or off the campus;
- iv. During, or while going to or coming from, a school sponsored activity.
- t. A pupil who aides or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- u. As used in this section, "school property" includes, but is not limited to electronic files and databases.
- v. For a pupil subject to discipline under this section, a superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age appropriate and designed to address and correct the pupil's misbehavior as specified in Section 48900.5.
- w. (1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities. (2) It is further the intent of the Legislature that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

## **2. Expulsion**

A student may be recommended for expulsion for any of the reasons enumerated in Education Code section 48915, and pursuant to the expulsion procedures identified in Education Code section 48918 and 48918.5.

## **3. Other Means of Correction**

The District may document the other means of correction used and place that documentation in the pupil's record. Other means of correction may include but is not limited to: a conference between school personnel, the pupil's parent or guardian and the pupil; referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling; study teams, guidance teams or other intervention-related teams that assess behavior and develop and implement behavior plans; referral for psycho-social or psycho-educational assessment; participation in a restorative justice program; and after-school programs that address specific behavioral issues.

### **B. Pupil Discipline: Suspensions: Willful Defiance-EC 48901.1; 48900**

School districts may not suspend a student for disrupting school activities or otherwise willfully defying the valid authority of school personnel engaged in the performance of their duties for grades 1 to 12, inclusive. Suspension for these acts is further prohibited for grades 6 to 8 through July 1, 2025. Recommendations for expulsion of a student for these acts remains prohibited for students enrolled in any grade.

### **C. Attendance of Suspended Child's Parent or Guardian for Portion of School Day- EC 48900.1**

Pursuant to board policy, a teacher may require a parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for either committing an obscene act, engaging in habitual profanity or vulgarity or disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers,

administrators, school officials, or other school personnel engaged in the performance of their duties, to attend a portion of a school day in the classroom of his or her child or ward.

**D. Sexual Harassment Policy-EC 231.5, 231.6, 48980(g), 48900.2; 5 California Code of Regulations (CCR) 4917**

The District will not tolerate sexual harassment by anyone participating in any District program or activity. This includes student-to-student or peer sexual harassment as well as harassment between a student and any District participant. The District takes all complaints of sexual harassment seriously, investigates and addresses identified sexual harassment, and if the investigation results in the determination that sexual harassment has occurred, takes reasonable, immediate corrective action to stop the harassment, eliminate a hostile environment, and prevent future sexual harassment. Alleged pupil sexual harassment in violation of District policy or federal or state law will be handled pursuant to District policy and procedures that can be found online at [www.smusd.org](http://www.smusd.org), Board Policy and Administrative Procedure 5145.7. A pupil in grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined below.

California Education Code section 212.5 defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:

- a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Districts are also required to display the policy in a prominent location and include it in an orientation for employees and students. These policies shall include information as to where to obtain specific procedures for reporting charges of sexual harassment and available remedies. The poster must meet the following requirements:

- 1) The language in the poster shall be age appropriate and culturally relevant, and the school site may partner with local, state, or federal agencies, or nonprofit organizations
- 2) The poster shall be displayed in English and any primary language spoken by 15% or more of the pupils enrolled at the school site
- 3) The poster shall be no smaller than 8.5 by 11 inches and use at least 12-point font
- 4) The poster shall display, at minimum, all the following information:
  - a. The rules and procedures for reporting a charge of sexual harassment
  - b. The name, phone number, and email address of an appropriate school site official to contact to report a charge of sexual harassment
  - c. The rights of the reporting pupil, the complainant, and the respondent, and the responsibilities of the school site in accordance with the applicable written policy on sexual harassment
- 5) The poster shall be prominently and conspicuously displayed in each bathroom and locker room at the school site
- 6) The poster may be prominently and conspicuously displayed in public areas at the school site that are accessible to, and commonly frequented by, pupils, including but not limited to, classrooms, classroom hallways, gymnasiums, auditoriums, and cafeterias

#### **E. Hate Violence-EC 48900.3**

A pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, or threatened to cause, or participated in an act of, hate violence, as defined in EC 233(e).

#### **F. Harassment, Intimidation or Threats-EC 48900.4**

A pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

#### **G. Terroristic Threats Against School Officials, School Property or Both-EC 48900.7**

A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both. A "terroristic threat" includes any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

#### **H. Suspension/Expulsion: Alternative and Other Means of Correction- EC 48900, 48900.5, 48911**

Generally, suspension shall be imposed only when other means of correction fail to bring about proper conduct. The District may document other means of correction short of suspension and expulsion and place the documentation in the pupil's record. Other means of correction may include: a conference between school personnel, the pupil's parent or guardian and the pupil; referrals to the school counselor or psychologist; study teams, guidance teams or other intervention-related teams that assess behavior and develop and implement behavior plans; referral for psycho-educational assessment; after-school programs that address specific behavioral issues; and community service on school grounds during non-school hours. A pupil may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons. A suspension shall be preceded by an informal conference between the principal, the principal's designee or the district's superintendent of schools and the pupil, and whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At this conference, the pupil shall be informed of the reason for the disciplinary action and other means of correction that were attempted before the suspension.

#### **RIGHTS AND OPTIONS AVAILABLE TO PREGNANT AND PARENTING PUPILS-EC 46015, 221.51, 222.5, 46015**

A pregnant or parenting pupil is defined as any pupil who gives or expects to give birth, or any parenting pupil who identifies as the parent of an infant. Pregnant and parenting pupils are entitled to at least eight weeks of parental leave, which can be taken before birth of the pupil's infant if there is a medical necessity, or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The pupil is neither required to take time off nor notify their school that they are doing so; this is a guaranteed minimum right that can be expanded if

deemed medically necessary. Parental leave will be considered an excused absence, and the pregnant or parenting pupil is not required to complete any academic work during this period.

A pregnant or parenting pupil may return to their previous school and course of study, and is entitled to make up opportunities for any work missed during the leave. These students are allowed to enroll in a fifth year of high school in order to complete any state or local graduation requirements, except when the school finds that the pupil is reasonably able to complete these requirements in time to graduate high school by the end of their fourth year.

A pregnant or parenting pupil who does not wish to reenroll in his or her previous school is entitled to alternative education options offered by the local education agency. If so enrolled, the pupil shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular program. Furthermore, a school may not penalize a student for using any of the accommodations mentioned above.

If a student believes that his or her school is discriminating on the basis of sex in opposition to the rights and entitlements listed above, that student can file a complaint through the standard Uniform Complaint Procedures of California Code of Regulations, Title 5 Sections 4600, et. seq.

### **CALIFORNIA HEALTHY YOUTH ACT EC 51934, 51938**

Students enrolled in District programs or activities may receive instruction in personal health and public safety, which may include accident prevention, first aid, fire prevention, conservation of resources, and health education including comprehensive sexual health education and HIV prevention.

The District plans to provide comprehensive sexual health education and/or HIV prevention education during the 2022-23 school year. The instruction shall include, among other things, information about sexual harassment, sexual abuse, and human trafficking. Information on human trafficking shall include both of the following:

- Information on the prevalence nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance.
- Information on how social media and mobile device applications are used for human trafficking.

Students will be taught by District personnel. If the District decides to arrange for an outside consultant to provide comprehensive sexual health education and/or HIV prevention education, the District will provide notice to parents by mail or another form of communication, no fewer than 14 days before the instruction is delivered.

The instruction shall include information regarding sexual harassment, sexual abuse, and human trafficking. The notice shall advise the parent or guardian as follows:

- (1) Written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection.
- (2) The parent has the right to request a copy of the California Healthy Youth Act Education Code section 51930, et. seq.
- (3) The parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education, and that in order to excuse their child, they must state their request in writing to the school district.

A pupil's parent or guardian has the right to request from the District, a copy of the California Healthy Youth Act, Education Code section 51930 *et. seq.* A pupil's parent or guardian also has the right to inspect and review the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.

A pupil's parent or guardian may submit a written request to excuse the pupil from participation in any class involving comprehensive sexual education or, HIV prevention education by submitting their request in writing to the school

The District may administer for pupils in grades 7 to 12 inclusive, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex. A parent or guardian may excuse their child from the test, questionnaire, or survey by opting out of their student's participation in the tests, questionnaires or surveys. An opt-out form is provided within these notifications. Parents or guardians have a right to review the test, questionnaire, or survey if they wish.

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

While comprehensive sexual health education, HIV prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey. More information can be found online at [www.smusd.org](http://www.smusd.org), Board Policy and Administrative Procedure 6142.1.

#### **PUPIL SAFETY: HUMAN TRAFFICKING PREVENTION RESOURCES-EC 49381**

The governing board of DISTRICT (OR CHARTER) will work with their schools that maintain any grades 6 to 12, inclusive, to identify the most appropriate methods of informing parents and guardians of pupils in those grades of human trafficking prevention resources and to implement the identified methods in those schools by January 1, 2020.

#### **PUPIL NUTRITION-EC (IF CHARTER, 47613.5) 49510-49520; 49564-49564.5, 49557.5**

Free or reduced-priced meals are available for pupils in receipt of public assistance. The federal National School Lunch Program and the federal School Breakfast Program ensure that pupils whose parents or guardians have unpaid school meal fees are not shamed, treated differently, or served a meal different from the pupil's choice because of the fact that the pupil's parent or guardian has unpaid meal fees. Meal program details are provided at the pupil's school site. All parents and guardians receive a letter with the application form upon enrollment. Charter schools must also comply with these rules pursuant to EC 47613.5, and their respective chartering authorities must also provide technical assistance in implementing this law.

To apply for free or reduced-price meals, households must fill out the application and return it to the school or apply online at [www.smusd.org](http://www.smusd.org), Child Nutrition Services Department. Some schools operated by the District may provide breakfast and lunch to all students free of charge pursuant to a universal meal program. At this time, San Marcos Elementary, Joli Ann Leichtag Elementary, La Mirada Academy, San Marcos Middle School and Twin Oaks High School are participating in the no cost meal program. Information is available online at [www.smusd.org](http://www.smusd.org), Child Nutrition Services Department, under the meal price tab.

#### **RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS-EC 32255-32255.6**

Pupils may choose to refrain from participating in educational projects involving the harmful or destructive use of animals based on moral objections, and may complete an alternative educational project acceptable to the teacher. In order to refrain from participation, a parent or guardian must submit a written note of the objections to participating in an educational project involving the harmful or destructive use of animals. An opt-out form is provided within this notice.

#### **IMMUNIZATION AND COMMUNICABLE DISEASES-EC 48216, 49403**

The District shall follow all laws, rules, and regulations regarding immunizations required for students to enroll. The District shall not admit any student until the student is properly immunized as required by law. If there is good cause to believe a student has been exposed to a disease and his or her proof of immunization does not show proof of



immunization against that disease, the District may temporarily exclude the child from school until the local health officer is satisfied that the child is no longer at risk of developing or transmitting the disease.

If the parent or guardian files with the governing authority a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, indicating the specific nature and probably duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization, that child shall be exempt from the immunization requirements.

Effective January 1, 2016: The California Legislature eliminated the exemption from specified immunization requirements based upon personal beliefs. A pupil who, prior to January 1, 2016, submitted a letter or affidavit on file with the District stating beliefs opposed to immunization shall be allowed enrollment to any District school until the pupil enrolls in the next grade span. Grade span means (1) from birth to preschool; (2) Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten; and (3) grades 7 to 12 inclusive.

#### Use of Standardized Medical Exemption Form

The California Department of Public Health is required to develop and make available for use by licensed physicians and surgeons and electronic, standardized, statewide medical exemption request form that would be transmitted using the California Immunization Registry and would be the only documentation of a medical exemption that a school may accept. At minimum, the medical exemption form must require all of the following:

1. The name, California medical license number, business address, and telephone number of the physician and surgeon who issue the medical exemption, and of the primary care; physician of the child, if different from the physician who issued the medical exemption;
2. The name of the child for whom the exemption is sought, the name and address of child's parent or guardian, and the name and address of the child's school or other institution;
3. A statement certifying that the physician has conducted a physical examination and evaluation of the child consistent with the relevant standard of care and complied with all applicable requirements of this law;
4. Whether the physician who issued the medical exemption is the child's primary care physician. If the issuing physician is not the child's primary care physician, the issuing physician shall also provide an explanation as to why the issuing physician and not the primary care physician is filling out the medical exemption form;
5. How long the physician has been treating the child;
6. A description of the medical basis for which the exemption for each individual immunization is sought. Each specific immunization shall be listed separately and space on the form shall be provided to allow for the inclusion of descriptive information for each immunization for which the exemption is sought;
7. Whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. A temporary exemption shall not exceed one year. All medical exemptions shall not extend beyond the grade span, as defined by H&SC 120370;
8. An authorization for the department to contact the issuing physician for purposes of this law and for the release of records related to the medical exemption to the department, the Medical Board of California, and the Osteopathic Medical Board of California; and
9. A certification by the issuing physician that the statements and information contained in the form are true, accurate, and complete.

#### Requirement of Physicians and Surgeons to Provide Notice to Parents

If a parent or guardian requests a licensed physician and surgeon to submit a medical exemption for the parent's or guardian's child, the physician and surgeon shall inform the parent or guardian of the requirements set forth above. If the parent or guardian consents, the physician and surgeon shall examine the child and submit a completed medical exemption certification from to the State Department of Public Health.

## Requirement by Schools to Submit Annual Reports on Immunization Status to the State

The governing board of a school district must file a written report on the immunization status of new students to the school with the State Department of Public Health and the local health department at times and on forms prescribed by the State Department of Public Health. These reports are required to be filed on at least an annual basis.

## State's Review of Medical Exemptions

Requires the State Department of Public Health to annually review immunization reports from schools to identify schools with an overall immunization rate of less than 95%, physicians and surgeons who submitted 5 or more medical exemption forms in one calendar year, and schools and institutions that do not report immunization rates to the department. A clinically trained department staff member who is a physician and surgeon or registered nurse is required to review all medical exemption forms submitted meeting those conditions. Medical exemptions issued prior to January 1, 2020, will not be revoked unless the exemption was issued by a physician or surgeon that has been subject to disciplinary action by the Medical Board of California or the Osteopathic Medical Board of California.

## Appeal Rights

A parent or guardian may appeal a medical exemption denial or revocation to the Secretary of California Health and Human Services. The appeal is to be conducted by an independent expert review panel of licensed physicians and surgeons, who are required to evaluate appeals consistent with specified guidelines and to submit its decision to the Secretary. The Secretary is required to adopt the determination of the independent expert review panel and promptly issue a written decision to the child's parent or guardian. This final decision is not subject to further administrative review. The student who is appealing a medical exemption revocation may continue school attendance without being required to commence the immunization schedule required for conditional admittance, so long as the appeal is filed within 30 calendar days of the revocation.

## **MEDICATION AND SELF-ADMINISTRATION OF ASTHMA MEDICATION-EC 49423, 49423.1**

Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician or physician assistant and a parental request for assistance in administering the medications. Any student may carry and self-administer prescription auto-injectable epinephrine only if the student submits a written statement of instructions from the physician or physician assistant and written parental consent authorizing the self-administration of medication, providing a release for the school nurse or other personnel to consult with the child's health care provider as questions arise, and releasing the district and personnel from civil liability if the child suffers any adverse reaction as a result of the self-administration of medication.

School districts must accept a written statement provided by a physician or surgeon permitting a student to self-administer asthma medication. The written statement shall detail the following:

1. The name, method, amount, and time schedules by which the medication is to be taken
2. A confirmation that the student can self-administer inhaled asthma medication
3. A written statement from the parent, foster parent, or guardian consenting to the self-administration
4. A release for the school nurse or other designated school personnel to consult with the healthcare provider of the student regarding any questions that may arise about the medication
5. A release from civil liability for the school district and school personnel if the student suffers an adverse reaction by taking the medication

A school nurse or other designated school personnel will not be subject to professional review, liable in a civil action or subject to criminal prosecution for acts or omissions relating to the student self-administering the medication in accordance with physician's written statement. Furthermore, a school district will not be subject to civil liabilities if the student suffers an adverse reaction self-administering the asthma medication in accordance with the written statement from the physician.

## **INFORMATION REGARDING TYPE 1 DIABETES-EC 49452.6**

On and after January 1, 2023, the governing board of a school district shall make the type 1 diabetes informational materials accessible to the parent or guardian of a pupil when the pupil is first enrolled in elementary school, or with the annual notifications provided pursuant to Section 48980. Information provided to parents and guardians pursuant to this section may include, but shall not be limited to, all of the following:

1. A description of type 1 diabetes.
2. A description of the risk factors and warning signs associated with type 1 diabetes.
3. A recommendation regarding those pupils displaying warning signs associated with type 1 diabetes that the parents or guardians of those pupils should immediately consult with the pupil's primary care provider to determine if immediate screening for type 1 diabetes is appropriate.
4. A description of the screening process for type 1 diabetes and the implications of test results.
5. A recommendation that, following a type 1 diagnosis, parents or guardians should consult with the pupil's primary care provider to develop an appropriate treatment plan, which may include consultation with and examination by a specialty care provider, including, but not limited to, a properly qualified endocrinologist.

## **CONTINUING MEDICATION REGIMEN-EC 49480**

The parent or legal guardian of any pupil on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other contact person of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or legal guardian of the pupil, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. Information and forms are available on the District's website, [www.smusd.org](http://www.smusd.org), Department of Health Services (Nursing).

## **MEDICAL AND HOSPITAL SERVICES FOR PUPILS-EC 49471, 49472**

The District does not provide medical or hospital services through non-profit membership corporations or insurance policies for pupil injuries arising out of school-related activities. The District will notify each parent or guardian of each pupil participating in athletic activities that such medical or hospital services are not provided.

## **PUPILS WITH TEMPORARY DISABILITIES; INDIVIDUAL INSTRUCTION-EC 48206.3, 48207, 48207.3, 48207.5, 48208**

Special individual instruction (as distinct from independent study) is available for students with temporary disabilities that make attendance at school impossible or inadvisable. Parents or guardians should first contact the principal to determine services.

## **DISABLED PUPILS-SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 of the federal Rehabilitation Act of 1973, and the Americans with Disabilities Act (42 USC 12101, et seq.) prohibits discrimination on the basis of disability. Section 504 requires school districts to identify and evaluate children with disabilities in order to provide them a free, appropriate public education. Individuals with a physical or mental impairment that substantially limits one or more major life activities, including seeing, hearing, walking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking, are eligible to receive services and aids designed to meet their needs as adequately as the needs of non-disabled students are met.

- Contact your school site administration for more information.
- A student has the right to a written accommodation plan if the student qualifies for services under Section 504.
- A student has the right to be educated with non-disabled students to the maximum extent appropriate based on the student's needs.

- A copy of the parents or guardians legal safeguard can be obtained on the District website, [www.smusd.org](http://www.smusd.org), Section 504.

#### **SPECIAL EDUCATION: CHILD FIND SYSTEM-IDEA; EC 56301**

Federal and state law require 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. Any parent suspecting a child has exceptional needs due to a disability may request an assessment for eligibility for special education services. The District's child find policy and procedures are available at [www.smusd.org](http://www.smusd.org), Department of Special Education.

#### **SPECIAL EDUCATION: COMPLAINTS-EC 56500.2; 5 C.C.R. 3080**

Parents or guardians have a right to file a written complaint with the school if they believe the school is in violation of federal or state law governing the identification or placement of special education students, or similar issues. State regulations require the party filing the complaint to forward a copy of the complaint to the District at the same time the party files the complaint with the California Department of Education. Procedures are available from your building principal.

#### **SPECIAL EDUCATION: DUE PROCESS HEARINGS-EC 56502**

The State Superintendent is required to develop a model form to assist parents and guardians in filing requests for due process. Available at [www.dgs.ca.gov/oah/SpecialEducation.aspx](http://www.dgs.ca.gov/oah/SpecialEducation.aspx) is the model form for parents that wish to initiate due process hearings relating to special education rights.

#### **SPECIAL EDUCATION: INSPECTION OF RECORDS-EC 56043(n)**

Upon request, parents or guardians of children with exceptional needs may examine and receive copies of the student's records within five business days after a request is made and prior to any Individualized Education Program meeting, hearing or resolutions session regarding their child.

#### **SPECIAL EDUCATION: NONPUBLIC, NONSECTARIAN SCHOOLS OR AGENCIES-EC 51225.2; 56365; 56366.1; 56366.4; 56366.10**

**NPSs/NPAs Training:** The NPA or NSP is required to document the training of staff who will have contact or interaction with students during the school day in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS'/NPA's student population. The training must be provided within 30 days of enrollment for new staff, and annually to all staff who have contact with students during the school day. The training shall be selected and conducted by the NPS/NPA and must satisfy the following conditions:

1. Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught
2. Be taught in a manner consistent with the development and implementation of individualized education programs; and
3. Be consistent with the requirements of Education Code relating to pupil restraint and seclusion

The content of the training shall include, but is not limited to, all the following:

1. Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan and implement behavioral supports;
2. How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors; and
3. Evidence-based interventions for reducing and replacing the challenging behaviors, including de-escalation techniques.

The LEA contracting with the NPS/NPA shall annually verify compliance with these training requirements and the NPS/NPA shall annually report to the California Department of Education ("CDE") this verification. Written records of the annual training shall be maintained and provided upon request.

**NPS/NPA Administrator Credential/License:** The NPS/NPA is required to document (in the application for certification with CDE) that the administrator of the NPS/NPA holds or is in the process of obtaining one of the following:

1. An administrative credential granted by an accredited postsecondary education institution and two years of experience with students with disabilities;
2. A pupil personal services credential and authorizes school counseling or psychology;
3. A license as a clinical social worker issued by the Board of Behavioral Sciences;
4. A license in psychology regulated by the Board of Psychology;
5. A master's degree issued by an accredited postsecondary institution in education, special education, psychology, counseling, behavioral analysis, social work, behavioral science, or rehabilitation;
6. A credential authorizing special education instruction and at least two years of experience teaching in special education before becoming an administrator;
7. A license as a marriage and family therapist certified by the Board of Behavioral Sciences
8. A license as an educational psychologist issued by the Board of Behavioral Sciences; or
9. A license as a professional clinical counselor issued by the Board of Behavioral Sciences

**NPS/NPA Notification of Law Enforcement Involvement:** A NPS/NPA is required to notify CDE and the LEA of any student involved incident at the NPS/NPA in which law enforcement was contacted. This notification shall be provided in writing no later than one business day after the incident occurred.

**NPS/NPAs Qualified Individual to Implement a Behavioral Intervention Plan ("BIP"):** A NPS serving students with significant behavioral needs or who have a BIP must have an individual onsite during school hours who is qualified and responsible for the design, planning and implementation of behavioral interventions to be certified by CDE.

**Requirements for School Districts:** For a NPS/NPA seeking initial certification, the school district is required to verify that the plan and timeline for the new training requirements are included in the master contract. For NPS/NPA's not in existence as of January 1 immediately preceding a school year, the contracting school district must verify that the new training requirements are complied with 30 days following the commencement of the school year. The school district is required to submit verification to the Superintendent at that time.

A school district that enters into a master contract with a NPS/NPA school shall conduct, at minimum, the following:

1. An onsite visit to the NPS/NPA before placement of a pupil if the LEA does not have any pupils enrolled at the school at the time of placement
2. At least one onsite monitoring visit during each school year to the NPS/NPA at which the school district has a pupil attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to:
  - a. A review of services provided to the pupil through the individual service agreement between the school district and NPS/NPA;
  - b. A review of progress the pupil is making toward the goals set forth in the pupil's Individualized Education Program;
  - c. A review of progress the pupil is making toward the goals set forth in the pupil's BIP if the pupil has a BIP;
  - d. An observation of the pupil during instruction; and
  - e. A walkthrough of the facility

The school district shall report the findings resulting from the monitoring visit to CDE within 60 days of the onsite visit. On or before June 30, 2020, CDE, shall, with input from special education local plan area administrators, create and publish criteria for reporting this information to the department.

## **PHYSICAL EXAMINATION; PARENT REFUSAL TO CONSENT-EC 49451, 49455; 20 U.S.C. § 1232h**

A parent or guardian may, by written statement filed annually, refuse to consent to the physical examination, including the vision and hearing tests, of his/her child; however, a child may be sent home if, for good reasons, the child is believed to be suffering from a recognized contagious or infectious disease. Educ. Code 49451. Schoolchildren are examined for vision and hearing at selected grade levels. An opt-out form is included within this notification.

In general, any non-emergency, physical examination or screening that is 1) required as a condition of attendance; 2) administered by the school; and 3) is not necessary to protect the immediate health and safety of the pupil or other pupils, may be administered in the fall and winter months of the school year.

Whenever there is good reason to believe the child is suffering from a recognized contagious or infectious disease, the child will be excluded from school attendance and is not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. The notifications should include approximate dates during the school year when any non-emergency, physical examination or screening is scheduled, or expected to be scheduled, that is 1) required as a condition of attendance; 2) administered by the school; and 3) is not necessary to protect the immediate health and safety of the pupil or other pupils.

Education Code section 49455 requires a pupil's vision to be appraised by the school nurse or other authorized person during kindergarten or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, unless a pupil's first entry or enrollment occurs in grade 4 or 7.

## **CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM-HSC 124085, 124105**

Before a child enters first grade, his or her parents must obtain a waiver or health screening for the child and complete the provided certificate or sign a waiver. The screening should take place before (within the prior 6 months) or during the kindergarten year. Parents are encouraged to obtain health screening simultaneously with required immunizations. Parents may inquire in the school office about free health screenings for low-income children provided under the Child Health and Disabilities Prevention Program.

A first-grade pupil who has not provided either a certificate or a waiver on or before the 90th day after the pupil's entrance into the first grade must be excluded from school for up to five days based on the failure to comply or sign a waiver. School districts may exempt any pupil from the exclusion if, at least twice between the first day and the 90th day after the pupil's entrance into the first grade, the District has contacted the pupil's parent or guardian and the parent or guardian refuses to provide either a certificate or a waiver as specified in Section 124085. Parents or guardians are entitled to notification of the availability of free health screenings through the local health department.

## **FOSTER YOUTH BILL OF RIGHTS – EC 48645.7, 48850-48853.5; 49069.5; 51225.1; 51225.2; Welfare and Institutions Code (WIC) 160001.9**

"Pupil in foster care" means a child who has been removed from their home pursuant to Section 309 of the Welfare and Institutions Code ("WIC"), is the subject of a petition filed under Section 300 or 602 of the WIC, or has been removed from their home and is the subject of a petition filed under WIC section 300 or 602.

When a juvenile court school pupil becomes entitled to a diploma pursuant to subdivision (d) of EC 48645.5, the county office of education shall notify the pupil, the person holding the right to make educational decisions for the pupil, and the pupil's social worker or probation officer of all of the following:

- (A) The pupil's right to a diploma pursuant to subdivision (d) of Section 48645.5.
- (B) How taking coursework and other requirements adopted by the governing board of the county office of education or continuing education upon release from the juvenile detention facility will affect the pupil's ability to gain admission to a postsecondary educational institution.
- (C) Information about transfer opportunities available through the California Community Colleges.

(D) The pupil's or the education rights holder's, as applicable, option to allow the pupil to defer or decline the diploma and take additional coursework pursuant to paragraph (2) of subdivision (b) or subdivision (c) of EC 48645.7.

A pupil in foster care who is placed in a licensed children's institution or foster family home shall attend programs operated by the local educational agency in which that licensed children's institution or foster family home is located, unless one of the following applies:

1. The pupil is entitled to remain in their school of origin;
2. The pupil has an individualized education program requiring placement in a nonpublic, nonsectarian school, or in another local educational agency.
3. The parent or guardian, or other person holding the right to make educational decisions for the pupil pursuant to Section 361 or 726 or the WIC or Section 56055 ("educational rights holder"), determines that it is in the best interests of the pupil to be placed in another educational program and has submitted a written statement to the local educational agency that they have made that determination. This statement shall include a declaration that the parent, guardian, or educational rights holder is aware of all of the following:
  - a. The pupil has a right to attend a regular public school in the least restrictive environment.
  - b. The alternate education program is a special education program, if applicable.
  - c. The decision to unilaterally remove the pupil from the regular public school and to place the pupil in an alternate education program may not be financed by the local educational agency.
  - d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent, guardian, or educational rights holder.

The parent or guardian, or educational rights holder shall first consider placement in the regular public school before deciding to place the pupil in foster care in a juvenile court school, a community school, or another alternative educational setting.

A pupil in foster care may still be subject to expulsion under applicable law and board policy.

Pupils in foster care are subject to other laws governing the educational placement in a juvenile court school, or a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility, notwithstanding the rights contained in this notice.

Children in foster care living in emergency shelters (as referenced in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.)), may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons.

1. For health and safety emergencies.
2. To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interests to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.

The educational services may be provided at the shelter pending a determination by the educational rights holder regarding the educational placement of the child.

All educational and school placement decisions shall be made to ensure that the child is placed in the least restrictive educational programs and has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.

The District has designated the Director of Student Services as the educational liaison for pupils in foster care. The role of educational liaison is advisory with respect to placement decisions and determination of school of origin and does not supersede the role of the parent or guardian retaining educational rights, a responsible adult appointed by the court, a

surrogate parent or a foster parent exercising their legal rights with respect to the education of the child in foster care. The educational liaison serves the following roles:

1. Ensures and facilitates proper educational placement, enrollment in school, and checkout from school for children in foster care;
2. Assists children in foster care when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records and grades.
3. When designated by the Superintendent, notifies a child in foster care's attorney and child welfare agency representative(s) of pending disciplinary proceedings and pending manifestation determination proceedings if they are also eligible to receive special education and related services under the IDEA.

At the initial detention or placement by the Juvenile Court, or any subsequent change in placement of a child in foster care by the Court, the local educational agency serving the child shall allow them to continue their education in the school of origin for the duration of the jurisdiction of the court. If the jurisdiction of the court is terminated prior to the end of the academic year:

1. Former children in foster care in grades kindergarten, or 1 to 8, inclusive, shall be allowed to continue his or her education in the school of origin through the duration of the academic year;
2. Former children in foster care in high school shall be allowed to continue their education in the school of origin through graduation;
3. Transportation is not required unless the former child in foster care has an IEP and the IEP team determines transportation is a necessary related service, required by the unique educational needs of the pupil in order to benefit from their special education program. Transportation may be provided at the local educational agency's discretion. The rights of these youth do not supersede any other law governing special education for eligible children in foster care.
4. To ensure that children in foster care have the benefits of matriculating with their peers in accordance with the established feeder patterns of school districts, if a child in foster care is transitioning between school grade levels, they shall be allowed to continue in the school district of origin in the same attendance area, or, if they are transitioning to a middle school or high school, and the school designated for matriculation is in another school district, to the school designated for matriculation in that school district.

Juvenile court school students continue to have the right to a diploma upon completion of state graduation requirements. Students have the additional right to defer the granting of that diploma until release, at which time they can also decline the issuance of a diploma for the purpose of re-enrolling in their home school for further study. When a juvenile court school student becomes entitled to a diploma for meeting state graduation requirements, the County Office of Education must provide the student (or the educational rights holder if the student is not yet 18) and the student's social worker or probation officer information regarding of the following:

1. The student's right to a diploma;
2. How taking coursework and other requirements adopted by the COE or continuing education upon release will affect the student's ability to gain college admission;
3. Transfer opportunities available through California community colleges; and
4. The student's or the education rights holder's option to allow the student to defer or decline the diploma and take additional coursework.

In consultation with the child in foster care and educational rights holder, the educational liaison may recommend that they waive their right to attend the school of origin and enroll in a public school within their attendance area. The educational liaison's recommendation must be accompanied by a written explanation for the basis of the recommendation and how it serves the child in foster care's best interests.



1. If the educational liaison, child in foster care, and educational rights holder agree it is in the best interest of the child to waive their right to attend the school of origin and attend the recommended school, the child in foster care shall immediately be enrolled within the recommended school.
2. The recommended school shall immediately enroll the child in foster care regardless of any outstanding fees, fines, textbooks or moneys due to any previous schools of attendance or if the child in foster care is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including proof of immunization, proof of residency or other documentation.
3. Within two business days of the request for enrollment, the educational liaison for the new school shall contact the school last attended by the child in foster care to obtain all academic and other records. The last school attended by the child in foster care shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. The educational liaison for the school last attended shall provide a complete copy of their education record to the new school within two business days of receiving the request.

If any dispute arises as to the school placement of a pupil under this section, the pupil has the right to remain in their school of origin, pending resolution of the dispute.

“School of origin” means the school that the child in foster care attended when permanently housed or the school in which the child in foster care was last enrolled. If the school the child in foster care attended when permanently housed is different from the school in which they were last enrolled, or if there is some other school that they attended with which they are connected and that they attended within the immediately preceding 15 months, the educational liaison, in consultation with, and with the agreement of, the child and the educational rights holder, shall determine, in the best interests of the child, the school that shall be deemed the school of origin.

If the child in foster care is absent from school due to a decision by a court or placing agency to change their placement, the grades and credits of the child in foster care will be calculated as of the date they left school and no lowering of grades will occur as a result of the absence of the child under these circumstances. If the child in foster care is absent from school due to a verified court appearance or related court ordered activity, no lowering of their grades will occur as a result of the absence of the pupil under these circumstances.

A child in foster care or a pupil who is a homeless youth who transfers between schools any time after the completion of the pupil’s second year of high school shall be exempt from all coursework and other graduation requirements adopted by the governing board of the local educational agency that are in addition to the statewide coursework requirements, unless the local educational agency makes a finding that they are reasonably able to complete the local educational agency’s graduation requirements in time to graduate from high school by the end of the pupil’s fourth year of high school.

Within 30 days of the child’s transfer into a school, the local educational agency should determine whether a child in foster care or a pupil who is a homeless youth is reasonably able to complete the local educational agency’s graduation requirements within the pupil’s fifth year of high school. If the pupil is reasonably able to complete the local educational agency’s graduation requirements within a fifth year of high school, the local educational agency shall do all of the following:

1. Inform the pupil of their option to remain in school for a fifth year to complete the local educational agency’s graduation requirements.
2. Inform the pupil, and the educational rights holder, about how remaining in school for a fifth year to complete the local educational agency’s graduation requirements will affect the pupil’s ability to gain admission to a postsecondary educational institution.
3. Provide information to the pupil about transfer opportunities available through the California Community Colleges.
4. Permit the pupil to stay in school for a fifth year to complete the local educational agency’s graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the educational rights holder.

If the local educational agency fails to provide timely notice of the exemption, the pupil shall be eligible for the exemption, once notified, even if that notification occurs after the termination of the court's jurisdiction of the pupil or after the pupil is no longer considered a homeless youth.

If a child in foster care or a pupil who is a homeless youth is exempt from local graduation requirements pursuant to this section and completes the statewide coursework requirements before the end of their fourth year of high school and that pupil would otherwise be entitled to remain in attendance at the school, a school or local educational agency shall not require or request that the pupil graduate before the end of their fourth year of high school, nor shall they be required to accept the exemption or be denied enrollment in courses for which they are otherwise eligible.

If a child in foster care or a pupil who is a homeless youth is not exempt from local graduation requirements or has previously declined the exemption pursuant to this section, a local educational agency shall exempt the pupil at any time if an exemption is requested by the pupil and the pupil qualifies for the exemption. The exemption shall apply after termination of the court's jurisdiction or after the pupil is no longer considered homeless.

A transfer shall not be requested solely to qualify for an exemption under this section.

The local educational agency shall accept coursework satisfactorily completed by a child in foster care or a pupil who is a homeless youth while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school even if the pupil did not complete the entire course and issue that pupil full or partial credit for the coursework completed.

The local educational agency may not require a child in foster care or a pupil who is a homeless youth to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school. If the pupil did not complete the entire course, the local educational agency may not require the pupil to retake the portion of the course the pupil completed unless the local educational agency in consultation with the educational rights holder, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the child in foster care or a pupil who is a homeless youth shall be enrolled in the same or equivalent course, if applicable, so that the pupil may continue and complete the entire course. The pupil shall not be prevented from taking or retaking a course to meet eligibility requirements for admission to the California State University or University of California.

A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complainant not satisfied with the decision of a local educational agency may appeal the decision to the CDE and shall receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal.

If a local educational agency finds merit in a complaint, or the Superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

#### **CHILDREN OF MILITARY FAMILIES – AND OTHER PROTECTED PUPILS- EC 49700-49703, 51225.1, 51225.2**

A pupil who is a "child of a military family" is defined as school-aged child or children, enrolled in kindergarten through twelfth grade, in the household of an active duty member. "Active duty" means full-time status in the active uniformed services of the United States, including member of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. sections 1209 and 1211.

Children of military families who transfer between schools any time after the completion of the pupil's second year of high school shall be exempt from all coursework and other graduation requirements adopted by the governing board of the local educational agency that are in addition to the statewide coursework requirements, unless the local educational agency makes a finding that the child of a military family is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

Within 30 days of the child of a military family's transfer into a school, the local educational agency should determine whether the child of a military family is reasonably able to complete the local educational agency's graduation requirements within the pupil's fifth year of high school. If the pupil is reasonably able to complete the local educational agency's graduation requirements within a fifth year of high school, the local educational agency shall do all of the following:

1. Inform the pupil of his or her option to remain in school for a fifth year to complete the local educational agency's graduation requirements.
2. Inform the pupil, and the educational rights holder, about how remaining in school for a fifth year to complete the local educational agency's graduation requirements will affect the pupil's ability to gain admission to a postsecondary educational institution.
3. Provide information to the pupil about transfer opportunities available through the California Community Colleges.
4. Permit the pupil to stay in school for a fifth year to complete the local educational agency's graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the educational rights holder.

Within 30 calendar days of the date that a pupil who is a child of a military family who may qualify for the exemption from local graduation requirements transfers into a school, the school district shall notify the pupil and the pupil's parent or guardian of the availability of the exemption and whether the pupil qualifies for an exemption.

If the District fails to provide timely notice, the pupil shall be eligible for the exemption from local graduation requirements, even if that notification occurs after the pupil no longer meets the definition of "a child of a military family."

If a child of a military family is exempt from local graduation requirements pursuant to this section and completes the statewide coursework requirements before the end of his or her fourth year of high school and that pupil would otherwise be entitled to remain in attendance at the school, a school or local educational agency shall not require or request that the pupil graduate before the end of his or her fourth year of high school, nor shall the child of a military family be required to accept the exemption or be denied enrollment in courses for which they are otherwise eligible.

If a child of a military family is not exempt from local graduation requirements or has previously declined the exemption pursuant to this section, a local educational agency shall exempt the pupil at any time if an exemption is requested by the pupil and the pupil qualifies for the exemption. The exemption shall apply after the pupil no longer meets the definition of "a child of a military family" while the pupil is enrolled in school or if the pupil transfers to another school or school district.

A school district shall not require and a parent or guardian shall not request a child of a military family to transfer schools solely to qualify the pupil for an exemption under this section.

The local educational agency shall accept coursework satisfactorily completed by a pupil who is a child of a military family while attending another public school (including schools operated by the United States Department of Defense), a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and issue that pupil full or partial credit for the coursework completed.

The local educational agency may not require a child of a military family to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. If the pupil did not complete the entire course, the local educational agency may not require the pupil to retake the portion of the course the pupil completed unless the local educational agency in consultation with the educational rights holder, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the child of a military family shall be enrolled in the same or equivalent course, if applicable, so that the pupil may continue and complete the entire course. The pupil shall not be prevented

from taking or retaking a course to meet eligibility requirements for admission to the California State University or University of California.

A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complainant not satisfied with the decision of a local educational agency may appeal the decision to the CDE and shall receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal.

If a local educational agency finds merit in a complaint, or the Superintendent finds merit in an appeal, the local educational agency shall provide a remedy to the affected pupil.

The above protections shall also apply to pupils in foster care, pupils who are homeless, former juvenile court school pupils, migratory children, and pupils participating in a newcomer program, as defined in Education Code section 51225.2(a).

#### **ASBESTOS-40 C.F.R. 763.93**

The District has a current management plan for asbestos containing materials for all district portables. The plan is available for inspection at the Maintenance & Operations Department during normal business hours.

#### **USE OF PESTICIDES-EC 17611.5, 17612, 48980.3**

The name of all pesticides products expected to be applied at the school facilities during the upcoming year can be found at [www.smusd.org](http://www.smusd.org), Department of Maintenance and Operations. Persons wishing to be notified in advance of individual pesticide applications may register with the District for that purpose. To register, contact the SMUSD Maintenance & Operations Department. Additional information on pesticides is made available by the Department of Pesticide Regulation at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

The District has developed an integrated pest management plan to provide a safe and low-risk approach to manage pest problems while protecting the environment, people and property. The District's integrated pest management plan can be found on [www.smusd.org](http://www.smusd.org), and parents or guardians may also view the integrated pest management plan at the Maintenance & Operations Department during normal business hours.

If a pesticide product not included in the annual notification is subsequently intended for use at the school site, the school designee shall, consistent with this subdivision and at least 72 hours before application, provide written notification of its intended use.

#### **SCHOOL BUS AND PASSENGER SAFETY-EC 39831.5**

All pupils in prekindergarten, kindergarten, and grades 1 to 12, inclusive, in public or private school who are transported in a school bus or school pupil activity bus shall receive instruction in school bus emergency procedures and passenger safety. Bus safety regulations, including a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops, can be found online at [www.smusd.org](http://www.smusd.org), Department of Transportation.

All pupils in prekindergarten, kindergarten, and grades 1 to 8, inclusive, who receive home-to-school transportation shall receive safety instruction that includes, but is not limited to, proper loading and unloading procedures, including escorting by the driver, how to safely cross the street, highway, or private road, instruction on the use of passenger restraint systems, as described in paragraph (3), proper passenger conduct, bus evacuation, and location of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit. As part of the instruction, pupils shall evacuate the school bus through emergency exit doors.

Instruction on the use of passenger restraint systems, when a passenger restraint system is installed, shall include, but not be limited to, all of the following: proper fastening and release of the passenger restraint system; acceptable placement of passenger restraint systems on pupils; times at which the passenger restraint systems should be fastened and released; and acceptable placement of the passenger restraint systems when not in use.

#### **WILLIAMS COMPLAINT POLICY AND PROCEDURES-EC 35186**

The District has adopted a uniform complaint process to help identify and resolve deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff and, teacher vacancy or mis-assignment. Notice of the complaint process and the location at which to obtain a complaint form is posted in all classrooms.

#### **NOTICE OF ALTERNATIVE SCHOOLS-EC 58501**

“California State law authorizes all school districts to provide for alternative schools. 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 his desire to learn.
- Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may result in whole or in part from a presentation by his 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 this district, and the principal's office in each attendance unit have copies of the law available for your information.* This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district.”

A copy of the notice shall also be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit for the entire month of March in each year.

#### **STATEMENT OF NON-DISCRIMINATION**

State and federal law prohibits discrimination in education programs. Education Code section 200, et seq. requires school district to afford all pupils regardless of gender, gender identity, gender expression, sex, race, color, religion, natural origin, immigration status, ethnic group identification, mental or physical disability, sexual orientation, or the perception of one or more of such characteristics, equal rights and opportunities in accessing educational programs, activities and facilities.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Title IX prohibits discrimination on the basis of sex. The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. Also, pursuant to EC 212.1, “race” is inclusive of traits historically associated with race, including, but not limited to, protective hairstyles and textures. “Protective hairstyles” is defined to include (but not limited to) styles such as braids, locks, and twists.

This policy requires notification in the native language of persons with limited English language skills if service area contains a community of minority persons with limited English language skills. The District will take the required steps

to assure that the lack of English will not be a barrier to admission and participation in district programs. This policy applies to all students insofar as participation in programs and activities is concerned, with few exceptions such as contact sports. In accordance with federal law, complaints alleging non-compliance with this policy are investigated through the Uniform Complaint Process.

## **ATTENDANCE-EC 48980(h)**

### **A. Residency Requirements-EC 48200, 48204, 48204.3, 48204.4, 48204.6, 48204.7**

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

Notwithstanding EC 48200, a pupil may alternatively comply with the residency requirements for school attendance in a school district, if they meet any of the following:

1. Placed within the boundaries of the school district in a foster home or licensed children's institution as defined in Section 56155.5 or a family home within the boundaries of the school district pursuant to a commitment or placement under the Welfare and Institutions Code;
2. A pupil who is in foster care who remains in their school of origin;
3. A pupil for whom interdistrict transfer has been approved;
4. An emancipated pupil who resides within the boundaries of the school district;
5. A pupil who lives in the home of a care giving adult that is located within the boundaries of the school district;
6. A pupil residing in a state hospital located within the boundaries of the school district;
7. A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of their employment within the boundaries of the school district for a minimum of three days during the school week.
8. One or both of the parents or legal guardians of the pupil are physically employed within the boundaries of the school district for a minimum of 10 hours during the school week;
9. A school district shall allow a pupil who is a child of a military family to continue their education in the school of origin, regardless of any changes of residence of the military family during the school year, for the duration of the pupil's status as a child of a military family;
10. A school district shall allow a pupil who is a migratory child to continue attending their school of origin, or a school within the school district of origin regardless of any change of residence of the pupil; and
11. A pupil whose parent or parents were residents of this state and have departed California against their will, and if the pupil seeks admission to a school of a school district, shall be admitted, regardless of their current residency, provided the pupil has:
  - a. Official documentation evidencing the departure of their parent or legal guardian;
  - b. Moved outside of California as a result of their parent or legal guardian departing against their will and the pupil lived in California immediately before moving outside of California; and,
  - c. Provides documentation that the pupil was enrolled in a California public school immediately before moving outside of California.

Migratory students have the right to attend their school of origin in a similar manner to the rights provided to foster students and homeless students. Migratory students must be allowed to continue to attend their school of origin regardless of any subsequent change of residency so long as the student continues to be a student "who is a migratory child." A student who is transitioning between grade levels must be allowed to continue to attend the school district of origin in the same attendance area. A student who is transitioning to middle or high school must be allowed to attend the school district or origin's designated middle or high school even if the school is located within another school district. The enrolling school district is required to enroll the student even if the student has outstanding fees or items due to the last school district, or if the student is unable to produce enrollment records. If the receiving school has a uniform policy the student must immediately be enrolled even if the student does not have the appropriate school uniform clothes. If a

migratory student loses their status during the school year, the student will be allowed to attend the school of origin of the remainder of the years for students in kindergarten through 8th grade. High school students must be allowed to continue at the school of origin through graduation. The school of origin is required to inform the student and their parents of the student's eligibility to receive migrant education services.

**Residency Investigations.** The governing board of DISTRICT has adopted a board policy regarding the process it follows for conducting investigations to determine whether a pupil meets residency requirements for school attendance in the school district. A copy of the DISTRICT Board Policy 5111.1 is located at [www.smusd.org](http://www.smusd.org).

## **B. Statutory Attendance Options**

Pursuant to EC 48980(g), the annual notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements \for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the school district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options.

1. **Intradistrict Choice Policy (EC 35160.5(b)):** Residents of the school district may apply to other schools within the school district for their child to attend on a space available basis.
2. **Interdistrict Attendance (EC 46600, et seq.):** The parent or guardian of a pupil may seek release from the home district to attend a school in any other school district. Each school district of resident and school district of proposed enrollment shall post on its Internet Web site the procedures and timelines, including a link to the policy of the governing board of the school district, regarding a request for an interdistrict transfer permit in a manner that is accessible to the public without a password. The information posted on the Internet Web site shall include, but need not be limited to, the following:
  - i. The date upon which the school district will begin accepting and processing interdistrict transfer requests for the subsequent school year.
  - ii. The reasons for which the school district may approve or deny a request, and any information or documents that must be submitted as supporting evidence.
  - iii. If applicable, the process and timelines by which denial of a request may be appealed within the school district before the school district renders a final decision.
  - iv. That failure of the parent to meet any timelines established by the school district shall be deemed an abandonment of the request.
  - v. Applicable timelines for processing a request, including statements that the school district shall do both of the following:
3. Notify a parent submitting a current year request, as defined in Section 46600.1, of its final decision within 30 calendar days from the date the request was received.
4. Notify a parent submitting a future year request, as defined in Section 46600.1, of its final decision as soon as possible, but not later than 14 calendar days after the commencement of instruction in the school year for which interdistrict transfer is sought.
  - i. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.
5. **Open Enrollment Act (EC 48350, et seq.):** When a student is attending a school on the Open Enrollment List as identified by the Superintendent of Public Instruction, the student may request a transfer to another school with a higher Academic Performance Index that is either within or outside of the district.
6. **District of Choice (EC 48300, et seq.):** Some school districts may choose to become a district of choice: a district that accepts transfer students from outside the district under the terms of a resolution. A school board that decides to become a district of choice must determine the number of transfers it is willing to accept and make sure that students are selected through a random and unbiased process.

**C. Absence for Religious Instruction-EC 46014**

Permissive absence may be granted for governing board approved religious exercises or instruction if a pupil has attended at least the minimum school day and for not more than four days per school month.

**D. Absence for Confidential Medical Services-EC 46010.1**

Students in grades 7 to 12 may be excused for the purpose of obtaining confidential medical services without consent of the pupil's parent or guardian.

**E. Notification of Minimum Days and Pupil Free Staff Development Day-EC 48980(c)**

A schedule of minimum days and pupil-free staff development days will be shown on the School Calendar and made available online at [www.smusd.org](http://www.smusd.org) at the beginning of the school year or as early as possible, but no later than one month prior to the scheduled minimum or pupil-free day.

**F. Grade Reduction/ Loss of Academic Credit-EC 48980(j)**

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

**G. Excused Absence; Justifiable Personal Reasons; Credit (EC 48205); Truancy (EC 48260, et seq.)**

State law permits students to be absent for justifiable reasons and allows for completion of missed assignments. Students who are absent without valid excuse, and their parents/guardians, may be subject to truancy and/or criminal proceedings under Education Code section 48260, et seq.

- **Excused Absences:**

- a. Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
  - i. Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health. The state board shall update its illness verification regulations, as necessary, to account for including a pupil's absence for the benefit of the pupil's mental or behavioral health within the scope of this paragraph.
  - ii. Due to quarantine under the direction of a county or city health officer.
  - iii. For the purpose of having medical, dental, optometric, or chiropractic services rendered.
  - iv. 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.
  - v. For the purpose of jury duty in the manner provided for by law.
  - vi. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
  - vii. 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.
  - viii. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
  - ix. 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 EC § 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position.



Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

- x. For the purpose of attending the pupil's naturalization ceremony to become a United States citizen
- xi. Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.
- b. A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. 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.
- c. For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- d. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- e. "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil. "Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people.

- **Truancy – EC 48264.5:**

- a. The first time a truancy report is issued, the pupil and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school's designees to discuss attendance issue and develop plan to improve attendance.
- b. The second time a truancy report is issued within the same school year, the pupil may be given a warning by a peace officer pursuant to Penal Code section 830.1. The pupil may also be assigned to an afterschool or weekend study program located within the same county as the pupil's school.
- c. The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant and may be required to attend an attendance review board or a truancy mediation program pursuant to EC 48263.
- d. The fourth time truancy is issued within the same school year, the pupil may be within jurisdiction of the Juvenile Court that may adjudge the pupil to be a ward of the court pursuant to Welfare and Institutions Code section 601.

## **FINGERPRINTING PROGRAM-EC 32390**

The District does not offer a voluntary fingerprinting program.

## **SEX EQUITY IN CAREER COUNSELING AND COURSE SELECTION-EC 221.5(d)**

Commencing in Grade 7, school personnel shall assist pupils with course selection or career counseling, affirmatively exploring the possibility of careers, or courses leading to careers based on the interest and ability of the pupil and not on the pupil's gender. Parents or legal guardians are notified so that they may participate in such counseling sessions and decisions.

## **COLLEGE ADMISSION REQUIREMENTS AND TECHNICAL EDUCATION-EC 51225.3, 51229**

For students who wish to continue their education after high school, the State of California offers community colleges, California State Universities (CSU), and Universities of California (UC).

Information pertaining to college admission requirements, information about University of California and California State University websites, information about technical information and the availability of school counselors to help students in choosing appropriate high school courses can be found online at [www.smusd.org](http://www.smusd.org), on the High School Counseling Department page, Course Catalog. A school district offering any of grades 9 to 12, inclusive, shall provide to the parent or guardian of each minor pupil enrolled in any of those grades in the district with written notification that, to the extent possible, shall not exceed one page in length and that includes all of the following:

1. A brief explanation of the college admission requirements.
2. A list of the current University of California and California State University Web sites that help pupils and their families learn about college admission requirements and that list high school courses that have been certified by the University of California as satisfying the requirements for admission to the University of California and the California State University.
3. A brief description of what career technical education is, as defined by the department.
4. The Internet address for the portion of the Web site of the department where pupils can learn more about career technical education.
5. Information about how pupils may meet with school counselors to help them choose courses at their school that will meet college admission requirements or enroll in career technical education courses, or both.

The District will allow successful completion of 10 credits of a career technical education course to satisfy 1 year of World Language or visual/performing arts. More information about high school graduation requirements and how each requirement satisfies or does not satisfy the subject matter requirements for admission to the California State University and the University of California, as well as a complete list of career technical education courses offered by the District that satisfy the subject matter requirements for admission to the California State University and the University of California can be found online at [www.smusd.org](http://www.smusd.org), on the High School Counseling Department page, Course Catalog.

In order to attend a community college, students need only be a high school graduate or 18 years of age. In order to attend a CSU, students have to take specific high school courses, have the appropriate grades and test scores, and have graduated from high school. Test scores are not required if the student's GPA is 3.0 or above. In order to attend a UC, students must meet coursework requirements, obtain the necessary GPA and test scores, or rank in the top four percent at a participating high school, or qualify by examination alone. Students may also transfer to a CSU or UC after attending community college. For more information on college admission requirements, please refer to the following websites.

[www.cccco.edu](http://www.cccco.edu) – This is the official website of the California Community College system. It offers links to all of the California Community Colleges.

[www.assist.org](http://www.assist.org) – This interactive site provides course transfer information for students planning to transfer from a California Community College to a CSU or UC.

[www.csumentor.edu](http://www.csumentor.edu) – This extensive online site offers assistance to students and their families on the CSU system, including the ability to apply online, and links to all CSU campuses.

[www.universityofcalifornia.edu](http://www.universityofcalifornia.edu) – This massive website offers information regarding admissions, online application, and links to all UC campuses.

#### **FINANCIAL ASSISTANCE FOR ADVANCED PLACEMENT FEES-EC 48980(j), 52242**

A school district may help pay for all or part of the costs of one or more advanced placement examinations charged to economically disadvantaged pupils.

#### **TEACHER QUALIFICATIONS**

Parents or guardian of all pupils may request specified professional qualifications of the student's classroom teacher(s) and assigned paraprofessional(s).

#### **EMPLOYEE INTERACTIONS WITH PUPILS – EC 44050**

Employees are prohibited from establishing personal relationships with students that are unprofessional and thereby inappropriate. Examples of unprofessional relationships include, but are not limited to: employees fraternizing or communicating with students as if employees and students were peers such as writing personal letters or e-mails; calling students on cell phones or allowing students to make personal calls to them unrelated to homework or class work; sending inappropriate pictures to students; discussing or revealing to students personal matters about their private lives or inviting students to do the same (other than professional counseling by a school counselor); and engaging in

sexualized dialogue, whether in person, by phone, via the Internet, or in writing. This information is available at [www.smusd.org](http://www.smusd.org), Human Resources Department, Annual Notification Packet.

#### **UNIFORM COMPLAINT PROCEDURES-5 C.C.R. 4622; EC 33315**

The District has adopted a Uniform Complaint Procedure. The District shall follow uniform complaint procedures when addressing complaints involving adult education programs, categorical aid programs, migrant child education, career technical education training programs, child care and development programs, allegations of unlawful discrimination, harassment, intimidation, or bullying, lactation accommodations, non-compliance with school safety planning requirements, pupil fees, courses of study, instructional minutes for physical education, local control accountability plans, any deficiencies related to preschool health and safety issues for a California state preschool program, and matters pertaining to the right of foster youth, homeless youth, former juvenile court school pupils, and children of military families. Information regarding the Uniform Complaint Procedure, including the individual responsible for processing a Uniform Complaint can be found online at [www.smusd.org](http://www.smusd.org), Board Policy and Administrative Procedure 1312.3.

Parents are encouraged to review civil law remedies available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3.

#### **PARENT ATTENDANCE OF SUSPENDED STUDENTS DURING SCHOOL DAY-EC 48900.1**

The District does have a policy authorizing teachers to require the parent or guardian of a suspended pupil to attend a portion of a school day in the class of the suspended pupil. More information can be found online at [www.smusd.org](http://www.smusd.org), Board Policy 5144.1.

#### **HOMEWORK ASSIGNMENTS FOR SUSPENDED STUDENTS-EC 48913.5**

Upon request of a parent, a legal guardian, or other person holding the right to make educational decisions for the pupil, a teacher shall provide to a pupil in any of grades 1 to 12 who has been suspended from school or two or more schooldays the homework that the pupil would otherwise have been assigned. If a pupil turns in a homework assignment requested in the above manner to the teacher upon the pupil's return to school from suspension, or within the timeframe originally prescribe by the teacher (whichever is later), and it is not graded before the end of the academic term, then that assignment shall not be included in the calculation for that pupil's overall grade.

#### **PUPIL INSURANCE FOR ATHLETIC TEAMS-EC 32221.5**

The District operates an interscholastic athletic team or teams and is required to ensure that all members of school athletic teams have accidental injury insurance that covers medical and hospital expenses. Some pupils may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health programs. Information about these programs may be found online on the Athletics Department page of the High School website.

The notice shall include the following statement, printed in boldface type of prominent size, in offers of insurance coverage that are sent to members of school athletic teams:

**"Under state law, school districts are required to ensure that all members of school athletic teams have accidental injury insurance that covers medical and hospital expenses. This insurance requirement can be met by the school district offering insurance or other health benefits that cover medical and hospital expenses.**

**Some pupils may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling (310) 826-5688."**

## **SCHOOL ACCREDITATION-EC 35178.4**

The District will notify each parent or guardian of a pupil in a school that has lost its accreditation status and the potential consequences of the school's loss of status, in writing or by posting the information on the school district's or school's internet website, or by any combination of these methods.

## **PUPIL HEALTH-ORAL HEALTH ASSESSMENT-EC 49452.8**

By May 31 of the school year, pupils when first enrolled in public school are required to provide proof of an oral health assessment (conducted within 12 months before enrollment) by a licensed dentist or other licensed or registered dental health professional or provide written notice why an oral health assessment by a licensed dentist or other registered dental health professional cannot be completed. Additional information regarding the importance of oral health is included within this Annual Notification on form 13, Oral Health Notification Letter.

## **PUPIL RECORDS; NOTIFICATION OF RIGHTS-20 U.S.C. 1232g; EC 49062-49069.7**

Parents, pupils 18 and over, pupils 14 and over that are both homeless and an unaccompanied youth, and individuals who have completed and signed a Caregiver's Authorization Affidavit, have rights concerning pupil records under Education Code section 49063. These rights include:

- The right to inspect and review the student's education records within five (5) business days of the day the school 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 forward requests to the Custodian of Records. The Custodian of Records will make arrangements for access and notify the parent or eligible student.
- The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading. Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- 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 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 from officials of another school district in which a student seeks or intends to enroll, the District shall disclose education records without parental consent.
- When a student moves to a new district, the District will forward the student's records upon the request of the new school district within 10 school days.

A foster family agency with jurisdiction over a currently enrolled or former pupil, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver who has direct responsibility for the care of a pupil may access the current or most recent records of grades, transcripts, attendance, discipline, online communications on school platforms, any IEPs or Section 504 plans maintained by the responsible LEA of that pupil. The above-referenced individuals may access the pupil records listed above solely for the purpose of monitoring the pupil's educational progress, updating and maintaining the pupil's education records as required by Welfare and Institutions Code section 16010, and to ensure the pupil has access to educational services, supports and activities, including enrolling the pupil in school, assisting the pupil with homework, class assignments, and college and scholarship applications, and enrolling the pupil in extracurricular activities, tutoring and other afterschool or summer enrichment programs.

“Student Records” do not include:

- Instructional, supervisory or administrative notes by District staff that are made only for that staff member or his/her substitute
- Records of a law enforcement unit that were created for use by the law enforcement unit
- Employee records made for personnel use
- Records of a doctor, psychologist, psychiatrist or other treatment provider and/or assistant regarding a student who is 18 or older or who is attending a postsecondary educational institution. In this case, “treatment” does not include remedial instructional measures.

Parents have a right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

### **CONCUSSION AND HEAD INJURIES; OPIOIDS-EC 49475, 49476, H&SC 124235**

Pursuant to the athletic programs offered by the District, (apart from athletic activity during the regular school day or as part of a physical education course) the District will provide each student athlete’s parent and guardian with a “concussion and head injury” information sheet, included within this notification. The sheet shall be signed and returned by the athlete’s parent or guardian before the athlete may participate in practice or competition.

Also, pursuant to the athletic programs offered by DISTRICT (apart from athletic activity during the regular school day or as part of a physical education course) DISTRICT shall annually give the Opioid Factsheet for Patients to each athlete. The athlete, and if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign the document acknowledging receipt of the factsheet and return it to the district before the athlete initiates practice or competition.

A youth sports organization must follow specified protocols with respect to concussions and other head injuries. Any amateur sports competitions, trainings, camps, or clubs in which persons 17 years of age or younger participate must follow concussion and other head injury protocols.

If an athlete who is 17 years of age or younger has been removed from athletic activity due to a suspected concussion or due to fainting or another suspected cardiac condition, the youth sports organization shall notify a parent or guardian of that athlete of the time and date of the injury, the symptoms observed, and any treatment provided to that athlete for the injury.

### **SAFE PLACE TO LEARN ACT-EC 234, 234.1, 48985**

The District has adopted policies pertaining to the following:

- Prohibition of discrimination and harassment based on characteristics set forth in EC § 220 and Penal Code 422.55;
- Process for receiving and investigating complaints of discrimination and harassment;
- Maintenance of documentation of complaints and their resolution;
- Process to ensure complainants are protected from retaliation and the identity of a complainant is kept confidential if appropriate; and
- Identification of a responsible LEA officer to ensure compliance.

The District’s antidiscrimination and anti-harassment policies are posted in schools and offices and available online at [www.smusd.org](http://www.smusd.org), Board Policies and Administrative Procedures 5145.3, 5145.7, 1312.3.

The notice shall be in English and in the primary language if 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 inclusive, speak a single primary language other than English as determined by census data. The antidiscrimination and anti-harassment policies shall also be posted in schools and administrative offices.

#### **PUPIL PROTECTIONS RELATING TO IMMIGRATION AND CITIZENSHIP STATUS – EC 234.7**

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

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

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

All children have a right to a free public appropriate education, regardless of immigration status or religious beliefs. Therefore, DISTRICT has fully adopted model policies published by the Attorney General's Office entitled "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues" (<https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>). These policies include, but are not limited to, refraining from collecting national origin information during the school enrollment process, accepting all forms of evidence listed in California Education Code section 48002 for the purpose of verifying student age, and not including citizenship status, immigration status, place of birth, or any other information indicative of national origin as directory information. Please visit the State of California's Attorney General's "Know Your Rights" page for more information at <https://oag.ca.gov/immigrant/rights>.

#### **AVAILABILITY OF PROSPECTUS-EC 49091.14**

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

#### **DIRECTORY INFORMATION-EC 49073**

"Directory Information" includes one or more of the following items: student's name, address, telephone number, email address, date of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent public or private school attended by the student. The District has determined that the following individuals, officials, or organizations may receive directory information:

- Certain school publications
- Outside organizations including, but not limited to, companies that manufacture class rings or publish yearbooks
- Military recruiters
- Post secondary educational institutions
- Outside governmental agencies

No information may be released to a private profit-making entity other than employers, prospective employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television

stations. Directory information may be disclosed without prior consent from the parent or legal guardian unless the parent or legal guardian submits a written notice to the school to deny access to his/her pupil's directory information. However, directory information related to homeless and unaccompanied youth will not be released without the express written consent for its release by the eligible pupil, his/her parent or guardian.

The District may disclose appropriately designated "directory information" as specified herein without written consent unless advised to the contrary in accordance with procedures.

Parents/guardians must notify the District in writing every year if they do not want the District to disclose directory information from their child's education records without prior written consent. See Optional Forms included within this notification.

Also, in accordance with Section 49073.2, the LEA shall not include the directory information or the personal information of a pupil or of a parent or guardian of a pupil in the minutes of a meeting of its governing body, except as required by judicial order or federal law, if a pupil who is 18 years of age or older or a parent or guardian of a pupil has provided a written request to the secretary or clerk of the governing body to exclude his or her personal information or the name of his or her minor child from the minutes of a meeting of the governing body.

Personal information includes a person's address, telephone number, date of birth, and email address.

#### **SURVEYS-EC 51513, 51514; 20 U.S.C. 1232h**

The District will notify parents or guardians of the need for their written permission before any test, questionnaire, survey or examination containing any questions about their child's personal beliefs or practices (or the pupil's family's beliefs or practices) in sex, family life, morality and religion, may be administered to any pupil in kindergarten, or grades 1-12, inclusive. Notification will include specific or approximate dates of when any survey containing sensitive, personal information is to be administered and provide an opportunity for parents to opt pupils out of participating in the survey. Upon request, parents or guardians will be given the opportunity to inspect any third-party survey.

#### **ACCESS BY MILITARY RECRUITERS-20 U.S.C. 7908, ESEA 8528**

The District provides military recruiters access to secondary school students' names, addresses and telephone listings upon request by the military recruiters. A pupil or parent may request that this information not be released to military recruiters without prior written parental consent. See Optional Forms included within this notification.

#### **CALIFORNIA HIGH SCHOOL PROFICIENCY EXAM-5 C.C.R. 11523**

The California High School Proficiency Exam (CHSPE) is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. Eligible pupils who pass the CHSPE are awarded a Certificate of Proficiency by the State Board of Education. A pupil who receives a Certificate of Proficiency may, with verified approval from the parent or legal guardian, leave high school early. The Certificate of Proficiency, however, is not equivalent to completing all course work required for regular graduation from high school. For more information, including administration dates and registration deadlines, visit the following website: <http://www.chspe.net/>.

#### **CAL GRANT PROGRAM-EC 69432.9**

All pupils enrolled in grade 12 will be deemed Cal Grant applicants, unless they, or their parent or guardian if the pupil is 17 years or younger, specifically opts-out of such notification. The District will electronically submit each 12<sup>th</sup> grade pupil's grade point average in the pupil's 12<sup>th</sup> grade school year. A pupil of 18 years of age or a parent or guardian of a pupil 17 years or younger, may, by written statement, opt out of the Cal Grant program.



## **OFF-CAMPUS LUNCH-EC 44808.5**

The governing board of the District pursuant to Section 44808.5 of the Education Code, has decided that pupils enrolled in grade 12 may be allowed to leave the school grounds during the lunch period only, provided they meet district established criteria and that written permission from the parent or guardian is on file (SMUSD Board Policy 5112.5). Section 44808.5 of the Education Code states: "Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section."

## **PUPIL FEES-EC 49013**

The District maintains a policy concerning the provision of a free education to pupils and for filing a complaint of non-compliance pursuant to the Uniform Complaint Procedures with the principal of the school alleged to be in non-compliance. Information regarding the Uniform Complaint Procedure can be found online at [www.smusd.org](http://www.smusd.org), Board Policy and Administrative Procedure 1312.3.

## **RIGHTS OF PARENTS OR GUARDIANS TO INFORMATION-EC 51101**

Parents/guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

1. Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will attend pursuant to intra-district or inter-district pupil attendance policies or programs.
2. Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.
3. To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.
4. To be notified on a timely basis if their child is absent from school without permission.
5. To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.
6. To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the school district to grant the parent's request.
7. To have a school environment for their child that is safe and supportive of learning.
8. To examine the curriculum materials of the class or classes in which their child is enrolled.
9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.
10. To have access to the school records of their child.
11. To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.
12. To be informed in advance about school rules, including disciplinary rules and procedures, attendance policies, dress codes, and procedures for visiting the school.
13. To receive information about any psychological testing the school does involving their child and to deny permission to give the test.
14. To participate as a member of a parent advisory committee, school-site council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, school-site councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.



15. To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.
16. To be notified, as early in the school year as practicable pursuant to EC § 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child. Parents and guardians of pupils, including those parents and guardians whose primary language is not English, shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines the manner in which parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each school-site.
17. The policy shall include, but is not necessarily limited to, the following:
  1. The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.
  2. A description of the school's responsibility to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.
  3. The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:
    - a. Monitoring attendance of their children.
    - b. Ensuring that homework is completed and turned in on a timely basis.
    - c. Participation of the children in extracurricular activities.
    - d. Monitoring and regulating the television viewed by their children.
    - e. Working with their children at home in learning activities that extend learning in the classroom.
    - f. Volunteering in their children's classrooms, or for other activities at the school.
    - g. Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

#### **CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS-EC 52052, 60640**

The California Assessment of Student Performance and Progress ("CAASPP") System was established on June 1, 2014. Commencing with the 2014-2015 school year, the CAASPP System includes Smarter Balanced Summative assessments in English Language Arts and Math in grades three through eight and eleven and California Alternate Assessments ("CAA") in English Language Arts and Math in grades three through eight and eleven for students with significant cognitive disabilities. The California Science Test ("CAST") for science is required for all students in grades five, eight and once in high school unless the student's IEP indicates administration of the CAA. The District will not administer a standards based test in Spanish for reading/language arts in grades two through eleven for Spanish-speaking English learners who either receive instruction in their primary language or have been enrolled in a school in the United States for less than twelve months. A parent or guardian may make a written request to excuse his or her child from any or all parts of the assessment.

#### **DRESS CODE/GANG APPAREL-EC 35183**

Students are expected to come to school appropriately dressed. Students failing to dress appropriately will be asked to change. The District's dress code is available at [www.smusd.org](http://www.smusd.org), Board Policies and Procedures 5132, 5136.

#### **SUN PROTECTIVE CLOTHING/USE OF SUNSCREEN-EC 35183.5**

The District allows for outdoor use of sun-protective clothing and the use of sunscreen by students during the day. More information is available at [www.smusd.org](http://www.smusd.org), Board Policies and Procedures 5132.

## **BILINGUAL EDUCATION-EC 52173**

The District will notify the parents or guardians of pupils who will be enrolled in a bilingual education program. The notice will contain a simple description of the program, inform the parent or guardian they have the right and are encouraged to visit the class in which their pupil will be enrolled and to have a school conference to explain the purpose of such an education, and that they have the right not to have their pupil enrolled in the program. Notice shall be in English and the primary language of the pupil.

## **MARKETING: DISCLOSURE OF STUDENT INFORMATION-20 U.S.C. 1232g**

The District makes student directory information available in accordance with state and federal laws. This means that each student's name, birthday, address, telephone number, major course of study, participation in school activities, dates of attendance, awards, and the previous school attendance may be released to agencies such as the local PTA or Parent Club, or the military services. If you do not wish this information released, please sign and return the form, *Student Directory Information Opt Out*, to the school.

## **ENGLISH IMMERSION PROGRAM-EC 310**

In order to facilitate parental choice of program, the District will inform any parent or guardian of a pupil who is to be placed in a structured English immersion program and will notify the parent or guardian of an opportunity to apply for a parental exception waiver.

## **GATE PROGRAMS**

The District's written plan for its GATE program includes procedures to inform parents or guardians of their pupil's participation or non-participation in the GATE program. Information is available at [www.smusd.org](http://www.smusd.org), Department of Elementary Education.

## **MIGRANT EDUCATION-EC 54444.2**

The District receives migrant education services and will actively solicit parental involvement in the planning operation and evaluation of its programs through the establishment of a parent advisory council. Parents have the sole authority to determine the composition of the council.

## **TITLE 1-20 U.S.C. 6311**

Title 1 permits parents to request information regarding the professional qualifications of the student's classroom teachers, including the following:

- Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
- The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

In addition to the information that parents may request regarding their child's teacher, parents may also request:

- Information on the level of achievement of the parent's child in each of the State academic assessments, and
- Timely notice that the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by a teacher who is not highly qualified.

Parents may obtain this information by logging on to [www.ctc.ca.gov/](http://www.ctc.ca.gov/) and looking up the child's teacher's credentials by entering the first and last name.

The law also requires that parents be notified when a teacher who is not *highly qualified* is hired and teaches the child *four (4) consecutive weeks or more*.

#### **TOBACCO-FREE CAMPUS-HSC 104420, 104495**

The District receives Tobacco Use Prevention funding to adopt and enforce a tobacco-free campus policy. Information about the policy and enforcement procedures may be found online at [www.smusd.org](http://www.smusd.org), in Board Policy and Administrative Procedure 5131.32. Health and Safety Code section 104495 prohibits smoking and use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground. The prohibition does not apply to a public sidewalk located within 25 feet of a playground.

#### **UNSAFE SCHOOL CHOICE-5 C.C.R. 11993(k); 20 U.S.C. 7912**

Students shall be allowed to attend a safe school. The District shall notify parents or guardians of pupils in elementary and/or secondary schools considered to be "persistently dangerous" pursuant to California Department of Education guidelines and of available options for attendance at a safe school. "Any firearms violations" is an event that must be considered in determining whether a school site is at risk of being classified as persistently dangerous.

#### **PUPIL RECORDS: SOCIAL MEDIA-EC 49073.6**

The District is considering a program to gather or maintain in its records any information obtained from social media of any enrolled pupil. Pupils and their parents or guardians shall be provided an opportunity for public comment at a regularly scheduled public meeting of the governing board. If the District's governing board adopts such a program, the District will provide each pupil and their parent or guardian with information regarding the program as well as the process for destroying such information within one year after the pupil turns 18 or within one year after the pupil is no longer enrolled in the District, whichever occurs first.

#### **TRANSFER OF PUPILS CONVICTED OF VIOLENT FELONY OR MISDEMEANOR – EC 48929, 48980(m)**

The governing board of San Marcos Unified School District has a policy to transfer students convicted of violent felonies or misdemeanors to other schools in the district if the pupil to be transferred and the victim of the crime for which the pupil was convicted are enrolled at the same school. For more information, contact the Department of Student Services.

#### **SCHOOL ACCOUNTABILITY REPORT CARD-EC 35256, 35258**

The School Accountability Report Card provides parents and other interested members of the community a variety of information about the school, its resources, its successes, and the areas where it needs improvement. On or before February 1 of each year, an updated copy of the School Accountability Report Card for each District operated school can be found on the District's website at [www.smusd.org](http://www.smusd.org), under Other Important Links. A hard copy will also be provided to any student's parent or guardian upon request.

#### **COMPREHENSIVE SCHOOL SAFETY PLAN-EC 32286, 32288**

Each school is required to develop a school safety plan, which includes a comprehensive disaster preparedness plan. Copies of the school safety plan are available to read at the school office during normal business hours.

#### **DUTY CONCERNING CONDUCT OF PUPILS-EC 44807**

All students participating in District programs or activities will comply with District policies, rules and regulations, pursue their studies and obey the valid authority of District staff. Any student who feels another participant is disrupting the

student's learning environment is strongly encouraged to report that misconduct to a District staff member. The District staff member will, in turn, report to the designated District staff member in charge of handling student complaints. District staff expects all students enrolled in District programs or activities to conduct themselves in a manner that enriches the educational environment and does not disrupt the learning process. The District believes all students enrolled in District programs or activities should experience a positive learning environment. All students participating in District programs or activities are expected to cooperate by respecting the rights of other participants, which includes the right to a learning environment free from disruptions. Student conduct includes conduct on school grounds, going to and from school and during recess and lunch periods.

Every teacher has a duty to hold pupils accountable for their conduct on the way to and from school, and on the playground, or during recess. A teacher, vice principal, principal or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree or physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning.

#### **DANGEROUS OBJECTS-PENAL CODE 417.27, 12550, 12556**

The District prohibits dangerous objects on campus, such as laser pointers and B.B. guns, unless possession is for valid instructional or other school related purpose.

#### **INVESTING FOR FUTURE EDUCATION-EC 48980(d)**

The District encourages the investment by parents or guardians for higher education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

#### **CHILD ABUSE AND NEGLECT REPORTING-PENAL CODE 11164**

District staff is required by law to report cases of child abuse and neglect to the appropriate law enforcement agency when they have a reasonable suspicion that a child has been a victim of child abuse and/ or neglect. Reasonable suspicion does not require certainty that the child abuse and/or neglect has occurred. The reporting staff member's name and report are confidential. The fact that a child is homeless or an unaccompanied minor is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

#### **DISRUPTION IN PUBLIC SCHOOL OR MEETING-EC 32210**

Any person who willfully disturbs any public school or public school meeting is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500).

#### **MEDICAL RECORD SHARING-H&SC 120440**

Medical information may be shared with local health departments and the State Department of Public Health. Any information shared shall be treated as confidential medical information. The student, parent, or guardian has the right to examine any immunization-related information shared in this manner and to correct any errors in it; and the student, parent, or guardian may refuse to allow this information to be shared in the manner described, or to receive immunization reminder notifications at any time, or both. More information regarding medical record sharing including information regarding the immunization registry with which the information may be shared may be found by contacting the Department of Student Services at the District Office, 760-752-1289.

#### **MEGAN'S LAW-PENAL CODE-290**

Information about registered sex offenders in California and how to protect their families can be found at <http://meganslaw.ca.gov/>.

## **LIABILITY OF PARENT OR GUARDIAN FOR WILLFUL PUPIL MISCONDUCT-EC 48904**

The parent or guardian of any minor may be held financially liable for the pupil's willful misconduct which results in injury or death to any pupil or person employed or volunteering for the District or injury to real or personal property belonging to the District or a District employee. The parent or guardian of a minor shall be liable to the District for all property belonging to the District loaned to the minor and not returned upon demand of an employee of the District authorized to make the demand. The District shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma or transcript pursuant to this Section.

## **CHILDREN IN HOMELESS SITUATIONS-42 U.S.C. 11432**

The District has appointed a liaison(s) for homeless children responsible for ensuring the dissemination of public notice of the educational rights of students in homeless situations.

- Liaison contact information:  
Director of Student Services  
SMUSD  
255 Pico Ave.  
San Marcos, CA 92069  
760-752-1220
- Circumstances for eligibility include:
  - Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  - Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
  - Children or youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
  - Migratory children who qualify as homeless because the children are living in conditions described in a-c above.
- Right to immediate enrollment in school of origin or school where currently residing without proof of residency, immunization records or tuberculosis skin-test results, school's records, or legal guardianship papers;
- Right to education and other services including to participate fully in all school activities and programs for which child is eligible, to qualify automatically for school meal programs, to receive transportation services, and to contact liaison to resolve disputes that arise during enrollment;
- That no homeless youth shall be required to attend a separate school for homeless children or youth; and
- That homeless youth shall not be stigmatized by school personnel.

More information can be found online at [www.smusd.org](http://www.smusd.org), Board Policy and Procedure 6173.

## **HOMELESS YOUTH IN AFTER SCHOOL PROGRAMS – EC 8483.1**

The District currently operates an afterschool program pursuant to the After School Education and Safety Program Act of 2002. The District provides priority enrollment to students as follows. First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. § section 11434a), at the time that they apply for enrollment or at any time during the school year, and to pupils who are identified by the program as being in foster care. For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily. The District does not require pupils applying for or participating in the program to verify they are homeless or foster youth. Eligible students may receive priority through self-certification or through the District liaison for homeless children if the District maintains a waiver on file allowing for the release of this information.

## **ACCEPTABLE USE OF TECHNOLOGY**

The District's policy on the acceptable use of technology on school campuses and access by pupils to the Internet and on-line sites is included in this Annual Notification Packet.

## **CUSTODY ISSUES**

Schools are not a forum to settle custody disputes, the school has no legal jurisdiction to refuse a biological parent access to his or her child, and the child's school records unless a signed restraining order or proper divorce papers specifically setting forth limitations are on file at the school office. Custody disputes must be handled by the courts.

## **SCHOOL VISITING PROCEDURES – EC 51101(a)(12)**

The District policy concerning visiting procedures may be found online at [www.smusd.org](http://www.smusd.org), Board Policy 1250. Penal Code section 627.6 requires schools to post at every entrance a notice of visitor registration requirements, registration hours, registration location, and penalties for the violation of the registration requirements.

## **WALKING OR RIDING A BIKE TO SCHOOL-VC 21212**

The District requests that parents or guardians of children who walk or ride their bike to school plan a safe route to school with their children. The route shall not involve shortcuts through private property and all students are expected to exhibit good behavior. Furthermore, a student under 18 years of age may be fined for not wearing a properly fitted and fastened helmet, and the parent or legal guardian of a minor who violates this section shall be jointly and severally liable with the minor for the fine.

## **MATHEMATICS PLACEMENT POLICY-EC 51224.7**

The District utilizes a fair, objective and transparent mathematics placement policy that takes multiple objective academic measures of pupil performance into consideration, annually examines aggregate pupil placement data to ensure pupil qualification for progressing through mathematics courses and offers clear and timely recourse for any pupil or parent or guardian who questions the placement. More information about the District's mathematics placement policy is available on [www.smusd.org](http://www.smusd.org), Board Policy and Procedure 6152.1.

## **CYBER SEXUAL BULLYING –EC 234.2**

The District may suspend or expel students who engage in cyber sexual bullying consistent with the District's disciplinary procedures described above. The California Department of Education has developed information regarding cyber sexual bullying available at <http://www.cde.ca.gov/lr/ss/se/bullyingprev.asp>, and available on the California Healthy Kids Resource Center Website and other sources.

## **LOCAL SCHOOL WELLNESS POLICY – EC 49432**

The local school wellness policy for each District school is available at [www.smusd.org](http://www.smusd.org), Board Policy and Administrative Procedure 5030. In addition, a summary of the physical activity laws and regulations applicable to the District schools is available at [www.smusd.org](http://www.smusd.org), Board Policy and Administrative Procedure 6142.7.

## **ILLEGAL RECORDING OF CONFIDENTIAL COMMUNICATION – PC 632, EC 51512**

It is unlawful to intentionally eavesdrop or record the confidential communication between two or more parties without the consent of all parties to the confidential communication. The eavesdropping or recording of a confidential communication includes by means of any electronic amplifying or recording device whether the communication is carried on among the parties in the presence of one another or by means of a telegraph, telephone, or other device, except a radio. Such an act is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or

imprisonment in the county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. Additionally, pursuant to Education Code section 51512, the use by any person, including a student, of any electronic listening or recording device in any classroom without prior consent of the teacher and the principal is prohibited. Any person, other than the student, willfully in violation shall be guilty of a misdemeanor. Any pupil in violation is subject to DISTRICT's disciplinary procedures.

#### **PUPIL COLLECTION OF DEBT-EC 49014**

A pupil or former pupil, unless emancipated at the time the debt is incurred, shall not owe or be billed for a debt owed to an LEA.

An LEA cannot take negative action against a pupil or former pupil for a debt owed, including, but not limited to, all of the following:

- Denying full credit for any assignments for a class;
- Denying full and equal participation in classroom activity;
- Denying access to on-campus educational facilities, including, but not limited to, the library;
- Denying or withholding grades or transcripts;
- Denying or withholding a diploma;
- Limiting or barring participation in an extracurricular activity, club, or sport; and
- Limiting or excluding from participation in an educational activity, field trip, or school ceremony

#### **ELECTRONIC PRODUCTS OR SERVICES THAT DISSEMINATE ADVERTISING-EC 35182.5**

If DISTRICT enters into a contract for electronic products or services that requires the dissemination of advertising to students, the district must provide written notice to the parents or guardians of the students that the advertising will be used in the classroom or other learning centers.

#### **ACCESS TO STUDENT MENTAL HEALTH SERVICES-EC 49428**

DISTRICT shall notify pupils and parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both.

To notify parents or guardians, a school shall use at least two of the following methods:

- Distribute the information in a letter (electronic or hardcopy)
- Include the information in the annual parent notification
- Post the information on the school's Internet Web site or page

To notify pupils, a school shall use at least two of the following methods:

- Distribute the information in a document or school publication
- Include the information in pupil orientation materials or in a pupil handbook at the beginning of the year
- Post the information on the school's Internet Web site or page

#### **PUPIL SUICIDE PREVENTION POLICIES-EC 215**

Before the beginning of the 2020-21 school year, the governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 6 shall adopt a policy on pupil suicide prevention for the above grade levels. The age appropriate policy shall be developed in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professionals, and suicide prevention experts. The policy shall also, at minimum, address procedures relating to suicide prevention, intervention, and postvention.

The policy should address needs of high-risk student groups. The definition of high-risk groups includes (but not be limited to):

- Students bereaved by suicide
- Students with disabilities, mental health disorders, or substance abuse disorders
- Homeless youth or in out-of-home settings, such as foster care.
- LGBTQ students

#### **INFORMATION ABOUT COMPLETION OF APPLICATIONS FOR STUDENT FINANCIAL AID-EC 51225.8**

Commencing with the 2020-21 school year, the governing board/body of school districts and charter schools must ensure that each student, at least once before the pupil enters grade 12, receives information on how to properly complete and submit either the Free Application for Federal Student Aid (FAFSA) or California Dream Act application. A paper copy of the FAFSA or the California Dream Act application must be provided to a pupil or parent/guardian upon request.

The information provided in the notice shall include, but not necessarily be limited to, the following materials:

1. The types of documentation and personal information that each student financial aid application requires, including, but not necessarily limited to, documents relating to income taxes, finances and income, college choices, academic status, and personal identification such as social security or taxpayer identification numbers
2. An explanation of definitions used for each application, such as “legal guardianship,” “household size,” “parent,” “dependent,” and taxable college grants and scholarships”
3. Eligibility requirements for student financial that may be applied for using the FAFSA or the California Dream Act Application
4. Application timelines and submission deadlines
5. The importance of submitting applications early, especially when student financial aid is awarded on a first-come, first-served basis

The manner in which this information is provided shall be at the discretion of the governing board of the school district or charter school.

#### **BULLYING AND HARASSMENT PREVENTION INFORMATION-EC 234.6**

Commencing with the 2020-21 academic year, each county office of education, school district, and charter school – or LEA (“local education agency”) for the purpose of this section – shall ensure that all of the following information is readily accessible in a prominent location on the local educational agency’s existing website in a manner that is easily accessible to parents or guardians and pupils:

1. The LEA’s policy on pupil suicide prevention in grades 7 to 12
2. The LEA’s policy on pupil suicide prevention in kindergarten and grades 1 to 6, including reference to the age appropriateness of that policy
3. The definition of discrimination and harassment based on sex, and the rights derived from the Sex Equity in Education Act
4. The Title IX information and training materials included on a LEA’s internet website
5. A link to the Title IX information included on the department’s internet website
6. The LEA’s written policy on sexual harassment, as it pertains to pupils
7. The LEA’s policy, if it exists, on preventing and responding to hate violence
8. The LEA’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies
9. The LEA’s anti-cyberbullying procedures
10. A section on social media bullying that includes all of the following references to possible forums for social media bullying:
  - a. Internet websites with free registration and ease of registration



- b. Internet websites offering peer-to-peer instant messaging
  - c. Internet websites offering comment forums or sections
  - d. Internet websites offering image or video posting platforms
- 11. A link to statewide resources, including community-based organizations, compiled by the department
  - 12. Any additional information the LEA deems important for preventing bullying and harassment

#### **SCHOOL START TIME-EC 46148**

Commencing July 1, 2022, or the date on which a school district's or charter school's respective collective bargaining agreement operative on January 1, 2020 expires (whichever is later), the school day for middle and high schools must begin no earlier than 8:00 a.m. and 8:30 a.m., respectively. The State Department of Education will advise school districts and charter schools of the posting of information on its website related to research on the impact of sleep deprivation on adolescents and the benefits of a later school start time. This start time requirement will not apply to rural school districts.

#### **ELECTRONIC SIGNALING DEVICE-EC 48901.5**

The school districts may notify parents of school district policy regulating the rights of pupils to possess or use electronic signaling devices (e.g., cell phones and pagers) on school campuses during the school day or at school activities.

#### **USE OF SMARTPHONES- EC 48901.7**

A student cannot be prohibited from possessing or using a smartphone at school in the following situations, Board policy 5131.8:

- 1. During an emergency situation or as a response to a perceived threat of danger;
- 2. When a teacher or administrator gives permission to a student to possess or use a cell phone, subject to reasonable limitations imposed by the person giving permission;
- 3. When necessary for the health or well-being of a student, as determined by a licensed physician and surgeon; and
- 4. When possession or use of the cell phone is required pursuant to a student's individualized education program

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

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The Governing Board believes that one of the major functions of the public schools is the preparation of youth for responsible citizenship. The District shall foster a learning environment which reinforces the concepts of self-discipline and the acceptance of personal responsibility. Students are expected to progress from being adult-directed to self-directed, with minimal application of disciplinary measures.

The Board believes that high expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

In order to maintain an environment conducive to attaining the highest quality of education in the district, there must exist certain disciplinary policies and regulations relating to student conduct that delineates acceptable behavior and provides the basis for sound disciplinary practices within each school in the District. These policies and regulations will be enforced fairly, uniformly, and consistently without regard to race, creed, color, gender or sexual orientation.

The administration, teachers, and classified staff share the mutual responsibility for student conduct and safety, and the enforcement of district policies and procedures. The Board shall give reasonable support and assistance to all employees with respect to student discipline. The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

The Board recognizes that not all students will adhere to district rules for appropriate behavior. Sufficient support services shall be provided so that continually disruptive students will be returned to regular classes only after consequences and interventions are applied to bring about some modification of behavior. Students may be assigned to other alternative programs, or be subject to removal from school, in accordance with law, Board policy and administrative regulations.

In order to ensure that school site rules for student discipline are enforced fairly, uniformly, and consistently, the Superintendent shall establish procedures for the development of such rules. All school site rules shall be strictly based on District policy, procedure, and existing law.

All avenues provided in policy, procedure, and law for the discipline of students may be utilized in developing site level rules. These include, but are not limited to, advising and counseling students, conferencing with parents/guardians, detention during and after school hours or on Saturdays, recess restriction, community service, alternative educational environments, removal from class, and, if necessary, suspension and expulsion.

Special care shall be taken to solicit the views of the school community, including administrators, teachers, school security personnel, parents, and students in developing the site level rules. The adoption of each school's rules on student discipline is the responsibility of the school principal/designee. All adopted school site rules shall be subject to Board review and approval prior to implementation. School site rules shall be revised periodically as required by any changes in District policy or procedure, and shall undergo site level rule review as required by law.

The principal of each school shall ensure that every student and his/her parent/guardian is notified in writing of all Board policies, administrative procedures, and individual school rules related to discipline at the beginning of each school year, and that transfer students and their parents/guardians are so advised at the time of enrollment in school.

**CORPORAL PUNISHMENT**

Corporal punishment (the willful infliction of pain) shall not be used as a disciplinary measure against any student. School administrators and teachers shall employ other means of disciplining students who violate school rules, district procedures, or district policies.

The use of reasonable and necessary force by an employee to protect oneself, students, or others, to obtain possession of weapons/dangerous objects, or to prevent damage to district property, shall not be considered corporal punishment for purposes of this policy. (Edc. Code 49001)

**PARENT LIABILITY**

Parents/guardians are liable (Education Code 48904) for the willful misconduct of their minor children that results in damages to school property or the injury or death of a district student, employee, or volunteer (Civil Code 1714.1).

**COMMUNITY SERVICE**

As part of or instead of disciplinary action, the Board, Superintendent, principal or principal's designee may, at his/her discretion, require a student to perform community service on school grounds, or with written permission of the student's parent/guardian off school grounds, during non school hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs.

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension pursuant to this section.

**Legal Reference:****Civil Code**

1714.1 Parental liability for child's misconduct

**Education Code**

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5 School adopted discipline rules

35291.7 School adopted discipline rules: additional employees

37223 Weekend classes/Saturday school

44807.5 Restriction from recess for disciplinary purposes

48630-48644.5 Opportunity schools

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49334 Injurious objects

**Code of Regulations, Title 5**

307 Participation in school activities until departure of bus

353 Detention after school

**Adoption History**

Initial Adoption: 08/09/82

Reviewed/Revised	01/27/87	05/23/05
	09/28/87	06/16/08
	09/13/93	
	03/24/97	
	04/22/02	

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

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**SEXUAL HARASSMENT OF PUPILS**

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5145.7

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

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

**INSTRUCTION/INFORMATION**

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

1. A clear message that students do not have to endure sexual harassment under any circumstance
2. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
3. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
4. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

**DISCIPLINARY ACTIONS**

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

### **RECORD-KEEPING**

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

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

48985 Notices, report, statements and records in primary language

##### CIVIL CODE:

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

1714.1 Liability of parents/guardians for willful misconduct of minor

##### GOVERNMENT CODE

12950.1 Sexual harassment training

##### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

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

##### UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

##### UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

##### UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

99.1-99.67 Family Educational Rights and Privacy

106.1 – 106.82 Nondiscrimination on the basis of sex in education programs

##### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

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

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

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

#### Adoption History

Initial Adoption 05/10/93

Reviewed/Revised 03/24/97

09/27/99

05/23/05

07/14/08

01/14/13

04/20/21

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

STUDENTS

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NONDISCRIMINATION/HARASSMENT	5145.3 Page 1 of 3
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The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

## **RECORD-KEEPING**

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

49060-49079 Student records

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

#### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

#### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

#### PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

#### CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

#### UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

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

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

## COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

## Management Resources:

## CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017

## CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

## FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

## U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, Fact Sheet, August 2010

## U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003

## WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

California Office of the Attorney General: <http://oag.ca.gov>

First Amendment Center: <http://www.firstamendmentcenter.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

## Adoption History

Initial Adoption: 08/09/82

Reviewed/Revised: 09/13/93      01/18/22  
03/24/97  
05/23/05  
07/14/08  
11/13/12  
02/19/19



SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

STUDENTS

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**BULLYING**

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The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

**BULLYING PREVENTION**

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims

3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

### **INTERVENTION**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

### **REPORTING AND FILING OF COMPLAINTS**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying of a student belonging to a protected class, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

**INVESTIGATION AND RESOLUTION OF COMPLAINTS**

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

**DISCIPLINE**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

## Legal Reference:

## EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

## PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

## CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

## UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

## CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

## CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

## COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

## Management Resources:

## CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities &amp; Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California's Social and Emotional Learning: Guiding Principles, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

## CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

## U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Guidance to Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

## WEB SITES

CSBA: <http://www.csba.org>California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>California Office of the Attorney General: <http://oag.ca.gov>Center on Great Teachers and Leaders: <http://gtlcenter.org>Collaborative for Academic Social and Emotional Learning: <http://casel.org>Common Sense Media: <http://www.commonsensemedia.org>National School Safety Center: <http://www.schoolsafety.us>Partnership for Children and Youth: <http://www.partnerforchildren.org>U.S. Department of Education: <http://www.ed.gov>

## Adoption History:

Initial Review: 08/13/12

Initial Adoption: 09/10/12

Reviewed/Revised: 11/13/12  
02/19/19

Dear Parents/Guardians,

The No Child Left Behind Act of 2001 and the McKinney-Vento Aid Act are two pieces of federal legislation designed to assure that students without homes receive educational opportunities. This letter will inform you of the educational rights of homeless students. Under the federal law, homeless youth are those students who lack an adequate, regular and fixed nighttime residence. The definition includes children and youth who----

- Live with a friend, with a relative or with another person because they lost their homes and/or cannot afford housing;
- Live in a motel or hotel because they lack adequate alternative lodging;
- Live in the emergency or transitional shelters, in domestic violence shelters, or in another like setting.

It is the intention of the federal legislation, as much as possible, to keep homeless students in the schools they attended when permanently housed or in which they were last enrolled, unless doing so is against the parents' or guardians' wishes.

Homeless students----

- May stay in those schools the entire time they are homeless and until the end of any academic year in which they move into permanent housing, and
- Must be provided, to the extent feasible, at parent/guardian request, with transportation to and from school with relation to the students' temporary residences.

Parents/guardians of homeless students also may choose to enroll their children in any public school that students who live in the attendance area of the homeless family's temporary residence are eligible to attend. If the school district decides to send a homeless student to a school other than that school, the district must provide the parent/guardian with a written explanation of that decision and of the parent's /guardian's right of appeal. During an appeal process, the homeless student will be allowed to attend the school chosen by the parent/guardian.

Homeless students must be allowed to enroll in school and attend classes even if they do not have proof of residency or all of the required medical records. Personnel at the school of enrollment will work with the parents/guardians to obtain all required documents.

Please direct any questions related to the education of homeless students to individual school liaisons.

*SAN MARCOS UNIFIED SCHOOL DISTRICT*  
*2022-23*

**ANNUAL NOTIFICATION OF  
THE UNIFORM COMPLAINT PROCEDURES (UCP)**

For students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties

The *San Marcos Unified School District* has the primary responsibility to ensure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful student fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

The *San Marcos Unified School District* shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board. Unlawful discrimination complaints may be based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or on the person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that receives or benefits from state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Pregnant and Parenting Students, Adult Education, After School Education and Safety Programs, Agricultural Vocational Education, Career Technical and Technical Education and Training Programs, Child Care and Development, Compensatory Education, Consolidated Categorical Aid, Course Periods without Educational Content, Education and Graduation Requirements for Students in Foster Care, Homeless Students, Students from Military Families, Students formerly in Juvenile Court School, Migrant Students and Immigrant Students in a Newcomer Program, Every Student Succeeds Act/No Child Left Behind, Local Control Accountability Plans, Migrant Education, Physical Education Instructional Minutes, Student Fees, Reasonable Accommodations to a Lactating Students, Regional Occupational Programs, School Plans for Student Achievement, Safety Plans, School Site Councils, State Preschool, State Preschool Health and Safety Issues, Complaint Alleging Retaliation.

A student fee includes, but is not limited to, all of the following:

1. A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a student is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A student fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

A student fee complaint shall be filed no later than one year from the date the alleged violation occurred.

The District shall post a standardized notice of the educational rights of foster and homeless youth, as specified in Ed. Code §48853, 48853.5, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

Complaints other than issues relating to student fees must be filed in writing with the following compliance officer:

Name and/or Title of Compliance Officer: Tiffany Campbell, Deputy Superintendent of Schools Educational Services

Address: 255 Pico Ave., Suite 150, San Marcos, CA 92069

Telephone Number: (760) 752-1231

Complaints alleging discrimination must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The LEA person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal the District's Decision to the California Department of Education (CDE) by filing a written appeal within 30 days of receiving the LEA's Decision. The appeal must include a copy of the complaint filed with the LEA and a copy of the LEA's Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the LEA's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

A copy of the *San Marcos Unified School District's* UCP policy and complaint procedures shall be available free of charge.

Governing Board: Sarah Ahmad Stacy Carlson Jaime Chamberlin Sydney Kerr Carlos Ulloa, Ed.D.

Andrew S. Johnsen, Ed.D., Superintendent

Dear Parents:

We all must cooperate to keep our schools safe and weapon-free. Thus we are asking for your cooperation in helping us enforce our strict weapons policy.

Under no circumstance should a student bring to school a knife, penknife, weapon, gun or imitation firearm, explosives or firecrackers, or other dangerous instrument, such as mace or pepper spray. Other items unsafe for children to bring to school because they could cause injury would include, but not be limited to: laser pointers, poppers, bottle/can openers, toy guns, scissors, or any items with sharp points. In the past several years, parents have sent knives with children to peel or cut lunch fruits. Please do the cutting or peeling at home. According to California Education Code 48915 and Board Policy, if your child brings a knife or any weapon to school, your child will be immediately suspended and may be required to attend an expulsion hearing before the District's Administration Hearing Panel.

It is important that you know and understand that this policy and its penalties apply to children in all grades, kindergarten through twelfth. We are asking that parents assist the schools in keeping all children safe by not allowing them to bring to school anything that is inappropriate or unsafe.

Please discuss this subject with your child, cut-off and return the bottom of this letter to the classroom teacher within one week of receipt of this notice. If you have any questions, please call the Principal or Assistant Principal.

Yours truly,

Principal

**Please Sign and Return Bottom Portion to School**

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I certify that I have read and understand the school's Policy on Weapons and Dangerous Objects and have gone over it with my child.

Parent Name (Please Print): \_\_\_\_\_

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Student's name (Please Print): \_\_\_\_\_

Student's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subject: Internet Safety

Dear Parents/Guardians:

The San Marcos Unified School District prides itself on providing a safe learning environment for its students. An emerging national concern is the inappropriate use of the Internet by students. This problem has the potential to be harmful, and we ask your support in assisting us with this challenge.

Across the nation, schools have seen an increase in negative student behavior as a result of messages written using electronic technology, posted to popular social media websites. Many of the social media websites contain instant messaging components that allow students to chat with other students and post statements that ordinarily would not be said in a face-to-face conversation.

Unfortunately, some of these websites are being used by child predators, "cyber bullies," and con artists. Unfortunately, some students use the sites to participate in online bullying or to threaten harm to other students. The so-called "cyber bullies," mostly children between the ages of 9 and 14, use the anonymity of the web to hurt others without witnessing the consequences. Students who are bullied online sometimes do not report these occurrences for fear that they will be barred from using the Internet.

Outside of our schools, there have been instances of adults posing as youths and gaining access to student chat rooms. In some cases, these contacts have led to tragedy. Some unsuspecting students post enough personal information that predators are able to locate students' home or school addresses, thereby becoming easy targets for predators.

The San Marcos Unified School District has blocked the use of these social networking sites from our school computers. We will continue to block objectionable material as we deem appropriate. Parents should be aware of what their children are writing on the Internet and what others are posting in reply. These social networking websites are public domain, and some of the contents posted there can be seen by anyone who has Internet access. If you choose to do so, you may investigate the sites by personally logging on to the sites. The services are free, and users may register using an e-mail address. Once you have registered, you can search by name and e-mail address to see if your child is registered. You can narrow the search result by entering the name of your city. You will be able to view the kinds of personal information, messages, diaries, and photographs that students post to this website.

We encourage you to talk to your child about the potential danger of the Internet. Ask if they have an account on any social media website. If your child is using such a site with your permission, you may want to review his or her profile to ensure that no personal and identifiable information has been posted.

We also encourage you to establish rules and guidelines to ensure the safety of your child while on the Internet. Some websites offer parental or family guidance for Internet safety; for example:

[www.connectsafely.org](http://www.connectsafely.org).  
[www.childnet.com/resources](http://www.childnet.com/resources)

The San Marcos Unified School District will continue to provide Internet security within our schools. It is important that parents also monitor Internet use at home.

Thank you for your support and cooperation in keeping our students safe. If you have any questions or would like more information, please feel free to contact: Education Technology (760) 752-1214.



# Student Technology Responsible Use Policy

## **Purpose:**

The purpose of this document is to outline San Marcos Unified School District's Responsible Use Policy as it relates to the use of technology by staff and students. Our community of staff and students use technology to access and share information, communicate with one another, and to create products, which convey understanding and have educational purpose. While we want our students to be active contributors in a globally connected environment, we need them to be safe, legal, and responsible. This Technology Responsible Use Policy supports our vision of digital citizenship. The policy applies to all users of San Marcos Unified School District computer networks, the resources made available by these networks, and all devices connected to these networks.

## **General Policies:**

- The purpose of a SMUSD user account is to provide access to the district's network and hosted programs to facilitate a seamless educational experience promoting 21st century literacy skills.
- Access is a privilege and involves user responsibility. Inappropriate use may result in cancellation of those privileges and disciplinary action.
- SMUSD accounts are owned by SMUSD. All digital files associated with user accounts may be retrieved by SMUSD staff at any time without prior notice and without permission of the user. SMUSD reserves the right to monitor all accounts in order to maintain system integrity and to ensure responsible use.
- Students should have no expectation of personal privacy in any matters stored in, created by, received, or sent through the SMUSD computer network or its hosted programs.
- A content filtering solution is in place to prevent access to sites that may contain inappropriate and/or harmful material including, but not limited to pornography, weapons, illegal drugs, gambling, and sites that pose a security risk.
- The SMUSD Technology Responsible Use Policy applies to users who connect via their own service (cell phones, mobile hot-spots, etc.). However, SMUSD cannot be held responsible for the content accessed through these services.

## **Responsible Use and Digital Citizenship**

**Respect Yourself:** I will select user names that are appropriate and will use appropriate language/content online.

**Protect Yourself:** I will not publish personal details, contact details, or a schedule of activities for myself or anyone else. I am responsible for activities initiated by and/or performed under my accounts. I understand it is my responsibility to appropriately secure my account login and password. I understand it is my responsibility to maintain and backup my own data. If I am uncertain whether a specific activity is permitted or appropriate, I will ask a teacher/administrator before engaging in that activity.

**Respect Others:** I will not use technologies to bully or tease others. I will not make audio or video recordings of students/employees without their prior permission. I understand that posing as someone else is illegal, and I will not pose as a user other than myself when online. I will be careful and aware when printing to avoid wasting resources.

**Protect Others:** I will help maintain a safe computing environment by notifying appropriate school officials of inappropriate behavior, vulnerabilities, risks, and breaches involving school/district technology.

**Respect Intellectual Property:** I will appropriately cite any and all use of websites, books, audio (including music), photos, videos, etc. I will respect all copyrights.

**Protect Intellectual Property:** I will not reuse, remix, or otherwise edit materials, resources, or other content that others produce without express permission.

# **SMUSD Technology Responsible Use Policy**

## **Appropriate Use of Digital Tools and Resources**

In accordance with our district mission, goals and vision for 21st century learning, our students may require accounts on third-party systems. Many of these accounts will be used at school for school-related projects and accessed outside of school for additional learning. The use of these accounts will help our students to master the effective digital communication and citizenship skills necessary for higher education and the workplace.

Guided classroom use of interactive web-based tools such as learning management systems, and educational social networking sites is the best way for students to learn how to use them safely and responsibly. Such use will help students develop the attitudes and skills that will help keep them safe outside of school.

By agreeing to this policy, I give permission to SMUSD to create and manage third party accounts (including, but not limited to SMUSD G Suite Apps (Gmail, Drive, Calendar, Classroom, etc.), DreamBox, Lexia, Screencastify, Google CS First, YouTube, CCGI (California College Guidance Initiative), Adobe Spark and other Adobe products, (Seesaw, FlipGrid and others), for my child. These accounts are intended for students as they learn to use technology and then transition to using technology to learn.

### **I Know**

- The technology equipment, programs, tools, and systems managed by or used at SMUSD may be monitored by designated staff to ensure appropriate use for educational or administrative purposes (including the materials I create, view, copy, or transmit on the system) at any time without notifying me.
- All SMUSD equipment and accounts are for schoolwork only and not for personal use.
- Copyrighted software or data may not be placed on any system connected to the District's system(s) without permission from the holder of the copyright. Only the owner(s) or individuals the owner(s) specifically authorized may upload copyrighted material to the system(s).
- Social media venues are very public. What I contribute leaves a digital footprint forever, even after it is deleted. I won't post anything I wouldn't want friends, enemies, parents, teachers, or a future employer to see. I will ensure what I post promotes a positive image to the world.
- Posting or sharing personal information about myself or others on websites, discussion boards, or in email is inappropriate and unsafe. I know that saying unkind and untrue things about others may be considered bullying and is prohibited.

### **I Will**

- Treat all technology devices carefully and report any issues immediately.
- Work only on the programs and websites my teacher tells me to use.
- Keep my login and password information confidential and only share it with my parents/guardians, and teacher.
- Tell an adult if I read or see something on the screen that is not appropriate for school
- Keep myself, family, and friends safe by not publishing identifiable information about myself or others (e.g. last names, phone numbers, pictures, addresses, schedules, events, etc.) on district provided equipment or accounts.
- Follow all district and school rules, regulations and policies.

### **I Will Not**

- Use technology to hurt, scare, or bully others.
- Change, tamper with, or attempt to circumvent any of the school equipment, systems, and security/content filtering measures. This includes, but is not limited to settings, software, downloads, hardware, etc.
- Access or try to access another person's files, folders, accounts, or work in general
- Re-use or re-distribute content created by others without their permission or violate copyright laws

## SMUSD Technology Responsible Use Policy

- Access, post, or distribute offensive material including but not limited to obscene or explicit pictures, offensive comments or jokes, and harmful content that would violate district policies.
- Pretend to be someone else, spread lies, or harass others online including attempting to communicate with others who have asked me not to.
- Post or transmit pictures without obtaining prior permission from all individuals depicted or from parents of depicted students who are under the age of 18.

### Consequences

Any malicious attempts to harm or destroy District equipment or materials, data of another user of the District's system(s), or any of the agencies or other networks that are connected to the Internet is prohibited. Deliberate attempts to compromise, degrade, or disrupt system performance may be viewed as violations of District policies and administrative regulations and, possibly, as criminal activity under applicable state and federal laws.

Noncompliance with applicable regulations will result in a) disciplinary action consistent with District policies and regulations; b) revocation of account; c) suspension of access to District technology resources. Violations of law may result in criminal prosecutions as well as disciplinary action by the District.

#### Notes:

1. Please contact the school site's office to request permission to bring an approved personal electronic device on campus.
2. To **opt out** of the following, please contact the school site before September 15:
  - SMUSD providing Internet access for my student while at school.
  - SMUSD creating and managing third-party accounts for my student. By opting out, I understand he/she will not be able to participate, electronically, in certain projects, which require these accounts.
  - My child's name/picture to be published in publicly distributed media.
  - My child's ability to use the Internet while on campus.

**SAN MARCOS UNIFIED SCHOOL DISTRICT**  
**2022-23 CONCUSSION INFORMATION SHEET**  
(Applicable only for the Current School Year)

A concussion is a brain injury and all brain injuries are serious. They are caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. They can range from mild to severe and can disrupt the way the brain normally works. Even though most concussions are mild, **all concussions are potentially serious and may result in complication including prolonged brain damage and death if not recognized and managed properly.** In other words, even a “ding” or a bump on the head can be serious. You can’t see a concussion and most sports concussions occur without the loss of consciousness. Signs and symptoms of a concussion may show up right after the injury, and can take hours or days to fully appear. If your child reports any symptoms of a concussion, or if you notice the symptoms or signs of a concussion yourself, seek medical attention right away.

Signs and symptoms of a concussion may include one or more of the following:

Headaches	Amnesia
Pressure in the head	Slurred speech
Nausea and vomiting	Fatigue or low energy
Neck pain	Loss of consciousness
Balance problems or dizziness	Nervousness or anxiety
Blurred, double, or fuzzy vision	Irritability
Sensitivity to light or noise	Ringing in the ears
Feeling sluggish or slow	Confusion
Feeling foggy or groggy	Concentration or memory problems
Drowsiness	Change in sleep pattern
Sadness/More emotional	Repeating the same comment/question
Seizures/convulsions	Shows behavior or personality changes

**What can happen if my child keeps on playing with a concussion or returns to school?**

Athletes with the signs and symptoms of a concussion should be removed from play immediately. Continuing to play with the signs and symptoms of a concussion leaves the young athlete especially vulnerable to greater injury. There is an increased risk of significant damage from a concussion for a period of time after that concussion occurs, particularly if the athlete suffers another concussion before completely recovering from the first one. This can lead to prolonged recovery, or even severe brain swelling (second impact syndrome) with devastating and even fatal consequences. It is well known that adolescent or teenage athletes will often under report symptoms of injuries. Concussions are no different. As a result, education of administrators, coaches, parents and students is the key for student-athlete safety.

**If you think your child has suffered a concussion**

Pursuant to Education Code Section 49475, any athlete even suspected of suffering a concussion should be removed from the athletic activity for the remainder of the day. No athlete may return to activity after an apparent head injury or concussion, regardless of how mild it seems or how quickly symptoms clear, without medical clearance from a licensed health care provider. If the licensed health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider.

You should also inform your child’s coach if you think that your child may have a concussion. Remember it is better to miss one game than miss the whole season. **“When in doubt, the athlete sits out.”**

For current and up-to-date information on concussions you can go to:

[www.cdc.gov/headsup/youthsports/index.html](http://www.cdc.gov/headsup/youthsports/index.html)

**SAN MARCOS UNIFIED SCHOOL DISTRICT**  
**2022-23 CONCUSSION INFORMATION SHEET**  
*(Applicable only for the Current School Year)*

This sheet shall be signed and returned by the athlete's parent or guardian before the athlete may participate in practice or competition for any contact sport.

\_\_\_\_\_  
Student-athlete Name Printed

\_\_\_\_\_  
Student-athlete Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent or Legal Guardian Printed

\_\_\_\_\_  
Parent or Legal Guardian Signature

\_\_\_\_\_  
Date

*Adapted from the CDC and the 3<sup>rd</sup> International Conference on Concussion in Sport Documents created 05/20/10.*

**2022-23 ORAL HEALTH NOTIFICATION LETTER**  
*(to accompany Oral Health Assessment/Waiver Request Form)*

Dear Parent or Guardian:

To make sure your child is ready for school, California law, *Education Code* Section 49452.8, now requires that your child have an oral health assessment (dental check-up) by May 31 in either kindergarten or first grade, whichever is his or her first year in public school. Assessments that have happened within the 12 months before your child enters school also meet this requirement. The law specifies that the assessment must be done by a licensed dentist or other licensed or registered dental health professional.

Take the attached Oral Health Assessment/Waiver Request form to the dental office, as it will be needed for your child's check-up. If you cannot take your child for this required assessment, please indicate the reason for this in Section 3 of the form. You can get more copies of the necessary form at your child's school or online from the California Department of Education's Web site at <http://www.cde.ca.gov/ls/he/hn/>. California law requires schools to maintain the privacy of students' health information. Your child's identity will not be associated with any report produced as a result of this requirement.

The following resources will help you find a dentist and complete this requirement for your child:

1. Medi-Cal/Denti-Cal's toll-free number or Web site can help you to find a dentist who takes Denti-Cal: 1-800-322-6384; <http://www.denti-cal.ca.gov>. For help enrolling your child in Medi-Cal/Denti-Cal, contact your local social service agency at: 1-866-262-9881.
2. Healthy Families' toll-free number or Web site can help you to find a dentist who takes Healthy Families insurance or to find out if your child can enroll in the program: 1-800-880-5305 or <http://www.benefitscal.com/>.
3. For additional resources that may be helpful, contact your local public health care department or [Dental](#) Health Initiative – San Diego at 619-692-8858.

Remember, your child is not healthy and ready for school if your child has poor dental health! Here is important advice to help your child stay healthy:

- Take your child to the dentist twice a year.
- Choose healthy foods for the entire family. Fresh foods are usually the healthiest foods.
- Brush teeth at least twice a day with toothpaste that contains fluoride.
- Limit candy and sweet drinks, such as punch or soda. Sweet drinks and candy contain a lot of sugar, which causes cavities and replaces important nutrients in your child's diet. Sweet drinks and candy also contribute to weight problems, which may lead to other diseases, such as diabetes. The less candy and sweet drinks, the better!

Baby teeth are very important. They are not just teeth that will fall out. Children need their teeth to eat properly, talk, smile, and feel good about themselves. Children with cavities may have difficulty eating, stop smiling, and have problems paying attention and learning at school. Tooth decay is an infection that does not heal and can be painful if left without treatment. If cavities are not treated, children can become sick enough to require emergency room treatment, and their adult teeth may be permanently damaged.

Many things influence a child's progress and success in school, including health. Children must be healthy to learn, and children with cavities are not healthy. Cavities are preventable, but they affect more children than any other chronic disease.

If you have questions about the new oral health assessment requirement, please contact the Student Services Department, 760.752.1289.

Sincerely,

Superintendent  
San Marcos Unified School District

Attachment

## 2022-23 ORAL HEALTH ASSESSMENT FORM

California law (*Education Code* Section 49452.8) states your child must have a dental check-up by May 31 of his/her first year in public school. A California licensed dental professional operating within his scope of practice must perform the check-up and fill out Section 2 of this form. If your child had a dental check-up in the 12 months before he/she started school, ask your dentist to fill out Section 2. If you are unable to get a dental check-up for your child, fill out Section 3.

### Section 1: Child's Information (Filled out by parent or guardian)

Child's First Name:	Last Name:	Middle Initial:	Child's birth date:
Address:			Apt.:
City:			ZIP code:
School Name:	Teacher:	Grade:	Child's Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
Parent/Guardian Name:	Child's race/ethnicity: <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Multi-racial <input type="checkbox"/> Other _____ <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Unknown		

### Section 2: Oral Health Data Collection (Filled out by a California licensed dental professional)

**IMPORTANT NOTE:** Consider each box separately. Mark each box.

Assessment Date:	Caries Experience (Visible decay and/or fillings present)  <input type="checkbox"/> Yes <input type="checkbox"/> No	Visible Decay Present:  <input type="checkbox"/> Yes <input type="checkbox"/> No	Treatment Urgency: <input type="checkbox"/> No obvious problem found <input type="checkbox"/> Early dental care recommended (caries without pain or infection; or child would benefit from sealants or further evaluation) <input type="checkbox"/> Urgent care needed (pain, infection, swelling or soft tissue lesions)
<div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div>_____ <b>Licensed Dental Professional Signature</b></div> <div>_____ <b>CA License Number</b></div> <div>_____ <b>Date</b></div> </div>			

### Section 3: Waiver of Oral Health Assessment Requirement

To be filled out by parent or guardian asking to be excused from this requirement

Please excuse my child from the dental check-up because: (Check the box that best describes the reason)

☐ I am unable to find a dental office that will take my child's dental insurance plan.

My child's dental insurance plan is:

☐ Medi-Cal/Denti-Cal ☐ Healthy Families ☐ Healthy Kids ☐ Other \_\_\_\_\_ ☐ None

☐ I cannot afford a dental check-up for my child.

☐ I do not want my child to receive a dental check-up.

Optional: other reasons my child could not get a dental check-up: \_\_\_\_\_

**If asking to be excused from this requirement:**



\_\_\_\_\_  
**Signature of parent or guardian**

\_\_\_\_\_  
**Date**

The law states schools must keep student health information private. Your child's name will not be part of any report as a result of this law. This information may only be used for purposes related to your child's health. If you have questions, please call your school.

**Return this form to the school *no later than May 31* of your child's first school year.**

*Original to be kept in child's school record.*

## **FAQs: RIGHTS AND OPTIONS AVAILABLE TO PREGNANT/PARENTING PUPILS**

Assembly Bill (AB) 2289 states that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children by establishing specified rights. The law is effective as of January 2019.

### **Can my school treat me differently because of my pregnancy or parental status?**

No, Title IX of the United States Code prohibits discrimination based on sex, which includes both pregnancy and parental status.

### **Can my school prevent me from participating in any educational program or activity?**

No, a school may not exclude or deny a pregnant or parenting pupil from any educational program or activity, including class or extracurricular activity, based solely on the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. However, a school may require a pupil to obtain a doctor's note to ensure that they are emotionally and/or physically able to continue participation in the educational program.

### **Can my school force me to take part in a pregnant minor program?**

No, a pregnant or parenting pupil does not have to participate in any alternative educational program because of pregnancy or parental status. A student may voluntarily take part in these programs if they choose.

### **Am I entitled to any parental leave in preparation or to take care of my newborn child?**

Yes, any pregnant or parenting pupil is entitled to a minimum of eight weeks of parental leave, which may be increased under medical necessity. A pupil is not required to complete any class work during this period, and it must be counted as an excused absence by the school.

### **What if my child is sick?**

Taking care of a sick child counts as an excused absence, and the school may not require you to provide a doctor's note for this kind of absence.

### **What happens when I return to school?**

A pregnant or parenting pupil will return to their normal course of study. The pupil is entitled to opportunities to make up any missed work from parental leave. This includes being able to stay for a fifth year of school to complete graduation requirements. The pupil may also enroll in an alternative educational program provided it is equal to that of their former schoolwork.

### **Do these rights only apply to pregnant pupils?**

No, these rights apply equally to all pregnant and parenting pupils, defined as any student who gives or expects to give birth, or any student who identifies as a parent of an infant. A pupil may file a uniform complaint if their school violates the rules above.



**SAN MARCOS UNIFIED SCHOOL DISTRICT**  
**2022-23 SUDDEN CARDIAC ARREST INFORMATION SHEET**  
(Applicable only for the Current School Year)

Sudden Cardiac Arrest (SCA) is a life-threatening emergency that occurs when the heart suddenly stops bearing. It strikes people of all ages – including children and teens – and can lead to death in minutes if the individual does not get help immediately. **Survival depends on people nearby calling 911, starting CPR<sup>1</sup>, and using an available AED<sup>2</sup> as soon as possible.**

SCA is not the same as a heart attack. Here are some key differences:

**SCA VICTIM:**

Unresponsive  
Not breathing normally  
Needs CPR/AED

**HEART ATTACK VICTIM:**

Responsive  
Breathing  
Does not need CPR/AED

Recognizing SCA as it occurs is imperative to survival; it is the third leading cause of death in the United States. It affects 1,000 people every day, and only 1 in 10 currently survive. However, the administration of CPR and AED from bystanders can improve the survival rate to 5 in 10.

If an athlete has passed out or fainted during an athletic activity, the athlete shall immediately be removed from the athletic activity for the remainder of the day, and shall not be permitted to return to any athletic activity until the athlete receives written clearance to return to athletic activity from a licensed healthcare provider. If the licensed healthcare provider suspects that the athlete has a cardiac condition that puts the athlete at risk for sudden cardiac arrest or other heart-related issues, the athlete shall remain under the care of the licensed healthcare provider to pursue a follow-up testing until the athlete is cleared to play.

Each athlete and the athlete's parent/guardian must sign and return this information sheet before initiating practice or competition. However, athletes 18 years of age or older do not need to have a parent/guardian sign, and athletes 6 years of age or younger only need the signature of their parent/guardian.

\_\_\_\_\_  
Student-athlete Name Printed

\_\_\_\_\_  
Student-athlete Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent or Legal Guardian Printed

\_\_\_\_\_  
Parent or Legal Guardian Signature

\_\_\_\_\_  
Date

*Adapted from the Sudden Cardiac Arrest Foundation. Learn more at [sca-aware.org](http://sca-aware.org).*

<sup>1</sup> CPR: Cardiopulmonary resuscitation is when you push hard and fast on the center of chest to make the heart pump; compression may be given with or without rescue breaths

<sup>2</sup> AED: Automated external defibrillator is a device that analyzes the heart and if it detects a problem may deliver a shock to restart the heart's normal rhythm.

\_\_\_\_\_

**Student Accident Insurance Coverage**

Parents: Please read and complete the information below

The San Marcos Unified School District does not carry medical or dental insurance for students injured on school premises, while under school jurisdiction, or while participating in school district activities. The District has a voluntary student accident insurance program available for student families who wish to participate. This insurance program is optional and complies with the California Education Code. All communications concerning the insurance shall be directed to the insurance company by the student's parent/guardian. For information and coverage, enrollment, and claims please contact:

K-12 Special Markets Insurance for Students      Email: [sirep@studentinsuranceusa.com](mailto:sirep@studentinsuranceusa.com)  
Phone: (310) 826-5688 Address: 10801 National Boulevard, Suite 603, Los Angeles, CA 90064

**Summary of Coverages available for ALL students during school hours or 24-hour plans and athletic plans:**

1) <b>School-Time Plan:</b> Covers injuries caused by accidents occurring:			
<ul style="list-style-type: none"> <li>at school during school hours</li> <li>while participating in school-sponsored and supervised activities</li> <li>travel to, from, and during participation in school activities. Also, to and from a residence on school-provided transportation.</li> </ul>			
<b>COST:</b>	<b>High Option - \$43.00</b>	<b>Mid Option - \$28.00</b>	<b>Low Option - \$14.00</b>
2) <b>24-Hour Plan:</b> Covers injuries caused by accidents occurring anytime, 24 hours a day. Coverage also includes participation in organized sports, excluding tackle football.			
<b>COST:</b>	<b>High Option - \$210.00</b>	<b>Mid Option - \$105.00</b>	<b>Low Option - \$82.00</b>
3) <b>Optional Football:</b> Covers injuries received while participating in sponsored or supervised Sr. High School (10, 11, 12 <sup>th</sup> -grade) Interscholastic tackle football games or practice.			
<b>COST:</b>	<b>High Option - \$215.00</b>	<b>Mid Option - \$115.00</b>	<b>Low Option - \$85.00</b>

You can also access the brochure, enrollment application, and claim form at:

<https://studentinsuranceusa.com/pages/plans-for-schools>

I, \_\_\_\_\_, acknowledge that I have the option of purchasing low cost student accident insurance for injuries that may occur while my student is participating in athletics and non-athletic activities at school. My signature below confirms that I have read and understand that San Marcos Unified does not carry medical or dental insurance for student accident injuries and I opt to:

☐ **Decline Coverage**      ☐ **Accept and enroll in coverage through Student Insurance**

\_\_\_\_\_  
Student Name

\_\_\_\_\_  
Grade Level

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

# Voluntary Student Accident Medical Insurance



A  **VENBROOK**  
Company

K-12  
SCHOOLS

[SIRep@studentinsuranceusa.com](mailto:SIRep@studentinsuranceusa.com)  
Lic #0386216

## Student Insurance 2022 - 2023 Voluntary Only Rates

### Rates Including All Sports Except Senior High Football

	High	Medium	Low
Optional School-Time with Sports except SH Football	\$43.00	\$28.00	\$14.00
Optional 24-Hour with Sports except SH Football	\$210.00	\$105.00	\$82.00
Optional Senior High Football (Fall/Spring)	\$215.00	\$115.00	\$85.00
Optional 24-Hour Dental	\$8.00	\$8.00	\$8.00

School Time Effective: Date of First School Year Activity

24 Hour Effective: Date of First School Year Activity

Football Effective: Date of First Day of Football

24 Hour Dental Effective: Date of First School Year Activity

School Time Termination: Date of Last Day of School

24 Hour Termination: 1st Day of the Following School Year

Football Termination: Date of Last Day of Football

24 Hour Dental Termination: 1<sup>st</sup> Day of the Following School Year

### Included Additional Mandatory Coverages

One-Day Field Trips (\$5,000 Maximum)

Religious Education (\$5,000 Maximum)

Counseling Benefit (\$10,000 Maximum)

### IMPORTANT NOTICE – THE POLICY DOES NOT PROVIDE COVERAGE FOR SICKNESS.

This proposal has been designed to illustrate the highlights of this insurance and it does not include all coverage details.

All information in this proposal is subject to the provisions of Policy Form COL-11, underwritten by Gerber Life Insurance Company. If there is any conflict between this proposal and the Policy, the Policy will prevail.



PLAN	High	Medium	Low
Optional School-Time with Sports except SH Football	\$ 43.00	\$ 28.00	\$ 14.00
Optional 24-Hour with Sports except SH Football	\$ 210.00	\$ 105.00	\$ 82.00
Optional Senior High Football (Fall/Spring)	\$ 215.00	\$ 115.00	\$ 85.00
Optional 24-Hour Dental	\$ 8.00	\$ 8.00	\$ 8.00
Maximum Benefit	High	Medium	Low
Optional School-Time Coverage	\$100,000	\$50,000	\$25,000
Optional 24-Hour Coverage	\$100,000	\$50,000	\$25,000
Optional 24-Hour Coverage (Extension)	\$100,000	\$50,000	\$25,000
Optional Interscholastic Football Coverage	\$100,000	\$50,000	\$25,000
Deductible	\$0	\$0	\$0
Injuries Involving Motor Vehicles	\$10,000	\$10,000	\$10,000
Death Benefit	\$20,000	\$20,000	\$10,000
Single Dismemberment Benefit	\$10,000	\$10,000	\$5,000
Double Dismemberment Benefit	\$20,000	\$20,000	\$10,000
<b>Loss Period</b> (Treatment must begin within ___ days of Injury)	60	60	60
<b>Benefit Period</b>	One Year	One Year	One Year
<b>Coverage</b>	Full Excess	Full Excess	Full Excess
Hospital/Facility Services			
Inpatient			
Hospital Room and Board (Semi Private Room)	80% RE	75% RE	65% RE
Inpatient Hospital Miscellaneous	80% RE	75% RE	65% RE
Outpatient			
Free-standing Ambulatory Surgical Facility	80% RE up to \$1,500 Maximum	75% RE up to \$800 Maximum	65% RE up to \$500 Maximum
Outpatient Hospital Miscellaneous-(except physician services and x-rays paid as below)	80% RE up to \$1,500 Maximum	75% RE up to \$800 Maximum	65% RE up to \$500 Maximum
Hospital Emergency Room	80% RE up to \$1,500 Maximum	75% RE up to \$800 Maximum	65% RE up to \$500 Maximum
Physician's Services			
Surgical			
Assistant Surgeon	25% of Surg. Benefits	25% of Surg. Benefits	25% of Surg. Benefits
Anesthesiologist	25% of Surg. Benefits	25% of Surg. Benefits	25% of Surg. Benefits
Physician's Outpatient Treatment in connection with Physical Therapy and/or Spinal Manipulation	80% RE up to \$40/Visit/8 Visit Maximum	75% RE up to \$30/Visit/7 Visit Maximum	65% RE up to \$25/Visit/5 Visit Maximum
Physician's Non-surgical Treatment (Except as above)	80% RE	75% RE	65% RE
Other Services			
Registered Nurses' Services	80% RE	75% RE	65% RE
Prescriptions - outpatient	80% RE	75% RE	65% RE
Laboratory Tests Outpatient	80% RE	75% RE	65% RE
X-rays, includes interpretation - outpatient	80% RE	75% RE	65% RE
Diagnostic Imaging (MRI, CAT Scan, etc) includes interpretation	80% RE	75% RE	65% RE
Ground Ambulance	80% RE	75% RE	65% RE
Durable Medical Equipment (includes Orthopedic Braces & Appliances)	80% RE	75% RE	65% RE
Dental Treatment to sound, natural teeth due to covered injury.	80% RE up to \$1,500 Maximum	75% RE up to \$800 Maximum	65% RE up to \$500 Maximum
Replacement of eyeglasses, hearing aids, contact lenses, if medical treatment is also received for the covered injury.	\$700 Maximum	\$500 Maximum	\$150 Maximum



## STUDENT ACCIDENT MEDICAL INSURANCE

Educators and administrators are looking for an accident medical insurance program their school(s) need and students deserve. The Student Accident insurance program underwritten by Gerber Life Insurance Company (the Company) is such a plan. A.M. Best rates Gerber Life "A" (Excellent) for financial condition. A.M. Best's "A" (Excellent) rating is the third highest of 13 active company ratings. For the latest information on ratings, please visit [www.ambest.com](http://www.ambest.com).

### OPTIONAL COVERAGE\*\* WHO IS COVERED AND WHEN

**Eligibility:** All enrolled students of the school, Pre-K through 12<sup>th</sup> grade, if premium is paid for.

\*\*Under "Optional Coverage" all students must be given the opportunity to enroll.

Premiums are the responsibility of the individual student and/or their parent/legal guardian.

### OPTIONAL SCHOOL-TIME ACCIDENT COVERAGE

Coverage and Limitations stated for Medical Expense Benefits selected by the Insured apply. The School-Time Accident Coverage excludes students participating in high school interscholastic tackle football and/or all interscholastic sports as stated for in the Application. Each Insured who pays the additional premium required for this benefit is insured under this provision. Coverage starts on the date of premium receipt, but not before the start of the school year. The Insured's coverage will end at the close of the regular nine-month school term, except while the Insured is attending academic classroom sessions exclusively sponsored and solely supervised by the school during the summer. All provisions of the Policy, including all Coverage and Limitations, Maximums and Exclusions, apply to Insureds covered under this provision.

### OPTIONAL 24-HOUR ACCIDENT COVERAGE

Coverage and Limitations stated for Medical Expense Benefits selected by the Insured apply. The 24-Hour Accident Coverage excludes students participating in high school interscholastic tackle football and/or all interscholastic sports as stated for in the Application. Each Insured who pays the additional premium required for this benefit is insured under this provision. Insurance coverage is provided, 24-Hours per day. Provides coverage during the weekends and vacation periods including the entire summer. Students are protected while at Home or away. Coverage starts on the date of premium receipt (but not before the start of the school year). It ends when school reopens for the following school year. All provisions of the Policy, including all Coverage and Limitations, Maximums and Exclusions, apply to Insureds covered under this provision.

### OPTIONAL 24- HOUR ACCIDENT COVERAGE (EXTENSION)

Insurance coverage is extended to provide for covered injuries that occur other than during the hours and days when school is in session and/or while attending or participating in school sponsored and supervised activities on or off school premises. The Extended Accident Coverage provides coverage during the weekends and Vacation periods, including the entire summer. No coverage is provided for participation in interscholastic tackle football. No coverage is provided for participating in Interscholastic Sports or school sponsored/supervised activities covered under the Student Accident Insurance Program purchased by the school. Coverage starts on the date of premium receipt (but not before the start of the school year). It ends when school reopens for the following school year.

### OPTIONAL INTERSCHOLASTIC FOOTBALL COVERAGE

Coverage and Limitations stated for Medical Expense Benefits selected by the Insured apply. Each Insured who pays the additional premium required for this benefit is insured under this provision. Travel is also covered when going directly and uninterruptedly to and from the practice and competition. Ninth graders who play with 9<sup>th</sup> graders only are not charged for football coverage. Their School-Time or 24-Hour coverage will apply if purchased. Additional premium is required by the Insured for this coverage. All other provisions of the Policy, including all Coverage and Limitations, Maximums and Exclusions, apply to Insureds covered under this provision.

### OPTIONAL 24-HOUR ACCIDENT DENTAL COVERAGE

Injury must be treated within 60 days after the accident occurs. Medical Expense Benefits are payable within 12 months after the date of Injury. The maximum eligible expenses payable per covered Injury is \$25,000. In addition, when the dentist certifies that treatment must be deferred until after the Benefit Period, deferred benefits will be paid to a maximum of \$1,000. Each Insured who pays the additional premium required for this benefit is insured under this provision. Coverage starts on the date of premium receipt, but not before the start of the school year. It ends when school reopens for the following school year. This provision covers Accidents occurring anytime and anywhere. The Insured must be treated by a legally qualified dentist who is not a member of the Insured's Immediate Family for Injury to teeth. The Company will then pay the Reasonable Expense which is Medically Necessary. Coverage is limited to treatment of sound, natural teeth. The maximum benefit payable under this provision is stated in the Policy. All other provisions of the Policy, including all Coverage and Limitations, Maximums and Exclusions, apply to Insureds covered under this provision.



# WELCOME BACK

To

# SCHOOL



A **VENBROOK**  
Company







August 2022

Dear Parent or Guardian:

The school district does not provide any type of health or accident insurance for injuries incurred by your child at school or participating in school-related activities.

As a service to students and their families, the district makes available a student accident insurance plan for you to purchase for your child at a reasonable cost.

***Available coverage and premium listed below:***

**1) School-Time Plan:**

**COST:** High Option - \$43.00 Mid Option - \$28.00 Low Option - \$14.00

**2) 24-Hour Plan:**

**COST:** High Option - \$210.00 Mid Option - \$105.00 Low Option - \$82.00

**3) Optional Football:**

**COST:** High Option - \$215.00 Mid Option - \$115.00 Low Option - \$85.00

The options above will provide benefits for medical expenses incurred because of an accident. If you have other insurance, this insurance can be applied to family deductible or co-pays.

If you have no other insurance, this will become your primary accident plan.

**PURCHASE COVERAGE ON-LINE** (with Credit/Debit card) at [www.studentinsuranceusa.com](http://www.studentinsuranceusa.com)

All questions regarding this coverage should be directed to Student Insurance at:

310-826-5688 or 800-367-5830 or emailed to [SIRep@studentinsuranceusa.com](mailto:SIRep@studentinsuranceusa.com)



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## STUDENT ACCIDENT INSURANCE COVERAGE

**OPTIONAL SCHOOL TIME ACCIDENT COVERAGE** - Insurance coverage is provided for covered Injuries incurred during the hours and days when school is in session and while attending or participating in school sponsored and supervised activities on or off school premises. Includes participation in: Interscholastic Sports, excluding high school interscholastic tackle football (see below Optional Football Coverage option); Summer Recreation Activities sponsored by the school; One-Day School Field Trips (no Overnight) and School Sponsored Religious Activities. Coverage is provided for traveling to, during or after such activities as a member of a group in transportation furnished or arranged by the Policyholder and traveling directly to or from their home premises and the school or the site of a covered activity.

**Annual Premium: Plan "Low" – \$14.00 Plan "Medium" – \$28.00 Plan "High" – \$43.00**

**OPTIONAL 24-HOUR ACCIDENT COVERAGE** - Insurance coverage is provided around the clock, 24 Hours per day. Provides coverage during the weekends and vacation periods including the entire summer. Students are protected while at Home or away, any place, any time, anywhere. Coverage is provided for participation in Interscholastic Sports, excluding high school interscholastic tackle football (see below Optional Football Coverage option).

**Annual Premium: Plan "Low" – \$82.00 Plan "Medium" – \$105.00 Plan "High" – \$210.00**

**OPTIONAL FOOTBALL COVERAGE** - Covers Accidents occurring while participating in high school interscholastic tackle football practice or competition. Travel is covered when going directly and uninterruptedly to or from such practice or competition as part of a group in transportation furnished or arranged by the Policyholder. Refer to benefits and limitations described inside this brochure. Optional Football Coverage begins on the date of premium receipt and ends on the last day of practice or competition. Ninth Graders who play with 9th graders ONLY are not charged extra for football coverage. Their Optional School-Time or Optional 24-Hour Accident Coverage will apply if purchased.

**Annual Premium: Plan "Low" – \$85.00 Plan "Medium" – \$115.00 Plan "High" – \$215.00**

**OPTIONAL 24-HOUR DENTAL COVERAGE** (Can be purchased separately or with other coverage) – Insurance coverage is in effect 24 Hours a day. Injury must be treated within 60 days after the Accident occurs. Benefits are payable within 12 months after the date of Injury. The maximum eligible expenses payable per covered Injury is \$25,000. In addition, when the dentist certifies that treatment must be deferred until after the Benefit Period, deferred benefits will be paid to a maximum of \$1,000. The Student must be treated by a legally qualified dentist who is not a member of the student's Immediate Family for Injury to teeth. Coverage is limited to treatment of sound, natural teeth.

**Annual Premium: \$8.00**

**COVERAGE PERIOD** – Coverage under the Optional School-Time Accident Coverage, the Optional 24-Hour Accident Coverage and the Optional 24-Hour Dental Coverage starts on the date of premium receipt but not before the start of the school year. Optional School-Time Accident Coverage ends at the close of the regular nine-month school term, except while the student is attending classroom sessions exclusively sponsored and solely supervised by the School during the summer. Optional 24-Hour Accident and Dental Coverage ends when school reopens for the following school year. Coverage is available under the plan throughout the school year at the premiums quoted (no pro rata premiums available).

# Student Accident Insurance Plans



## K-12 Student Accident Insurance Plans



### Why you need Student Insurance . . .

- Your school does not provide medical insurance to cover injuries to students. Instead, your school suggests this Plan to provide affordable coverage options.
- If you don't have other insurance, this Student Accident Plan is essential.
- Even if you do have other insurance, you will probably have to pay deductibles or co-payments. This Student Accident Plan will help to fill those expensive "gaps."
- Don't wait until you're faced with costly medical bills to think about insurance.

### Choose from these school approved plans . . .

- **24 HR Around-the-Clock Plan**
  - **School-time-Only Plan**
  - **Extended Dental Plan**
  - **Optional Sports Coverage**
  - **Tackle Football Coverage**
- 
- **THIS POLICY DOES NOT PROVIDE BENEFITS FOR SICKNESS**



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Company

# 1 Choose from the following School-Approved Plans:

## 24 HR Around-the-Clock Plan

The student is insured for 24-hours a day protection, for school related accidents, at home or away—at play—at camp—on vacation—scouting—amateur sports—youth group activities—or just playing in the neighborhood.

## Schooltime-Only Plan

The student is insured while attending school when school is in session; participating in or attending activities sponsored and supervised by a school official or employee, including school-supervised travel and after-school activities supervised on school grounds.

## Extended Dental Plan

Increases the Dental Treatment Benefit under the Plans to a maximum of \$25,000 for accidental injury to sound, natural teeth. This optional benefit cannot be purchased separately, it must be purchased with either Schooltime or 24 Hour coverage. Optional Dental coverage is effective 24 hours a day even when selected with Schooltime Coverage and provides coverage until the first day of the next Fall term. Treatment must begin within 100 days from the date of the accident. Benefits are payable only for covered expenses which are incurred within 12 months immediately following the date of the accident. However, if the dentist certifies that treatment must be deferred beyond the 12 month period, the Company will only pay up to \$1000 of the expense incurred for such deferred treatment.

## Optional Tackle Football Coverage

Covers Accidents occurring while participating in high school interscholastic tackle football practice or competition. Travel is covered when going directly and uninterruptedly to or from such practice or competition as part of a group in transportation furnished or arranged by the Policyholder. Refer to benefits and limitations described inside this brochure. Optional Football Coverage begins on the date of premium receipt and ends on the last day of practice or competition. Ninth Graders who play with 9th graders ONLY are not charged extra for football coverage.

Their Optional School-Time or Optional 24-Hour Accident Coverage will apply if purchased.

# 2 Additional facts about the Plans:

**Effective and Expiration Dates:** Applicants are covered the day they submit on-line payment or the date they submit an application and the required premium to a school official, but not prior to the first day of school. The expiration date of coverage (except for those applying for **24 HR Around-the-Clock** coverage) shall be the close of the regular school term, except while the Insured is attending academic classroom sessions, exclusively sponsored and supervised by the school during the summer; in such case coverage will terminate at the end of the summer classroom sessions. **24 HR Around-the-Clock** coverage ends on the opening day of the following school Fall term.

**Student Accident Insurance** covers accidental bodily injury sustained during the term of insurance and which causes loss directly and independently of all other causes. Insurance is good anywhere. For example, if the student buys the Plan at school and the family moves, the benefits would continue until the close of the school term at any new public or parochial day school. There is no limit to the number of accidents a student can have paid under the Policy.

### **IMPORTANT NOTICE – THE POLICY DOES NOT PROVIDE COVERAGE FOR SICKNESS.**

This brochure has been designed to illustrate the highlights of this insurance and it does not include all coverage details.

All information in this brochure is subject to the provisions of Policy Form COL-11(CA), underwritten by Gerber Life Insurance Company.

If there is any conflict between this brochure and the Policy, the Policy will prevail.

### 3 How to apply

- Choose the plan best suited to your needs.
- Enroll online at [www.studentinsuranceusa.com](http://www.studentinsuranceusa.com) or Complete and sign the attached enrollment form.
- Send check or money order payable to Gerber Life Insurance for the selected annual premium.
- Mail to: 6320 Canoga Ave 12th floor Woodland Hills, CA 91367 Attention Kimberly Rowan

**IMPORTANT** Keep this information as a Summary of Benefits. The Policy is on file at your school. It is subject to Insurance Department approval and will conform to the laws of the state where your school is located. Individual policies will not be sent to you.

**LATE ENROLLMENT** Coverage may be purchased at any time during the school year, but there is no premium reduction for late enrollment.

**CANCELLATION** Coverage can not be canceled and premiums will not be pro-rated or refunded.

**RETURN OF CHECK BY BANK** Coverage will be immediately invalidated if a check is returned by bank for any reason. A service fee of \$25.00 will be charged.



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Company

## Accidents aren't supposed to happen, but they do.

Coverage for School recess, one-day field trips, sports and general day-to-day activities because they can all lead to injuries. Having coverage during school hours, or around the clock 24 hours a day can insure your loved ones get the care they need without financial hardship to the family.

Any enrolled student is eligible for coverage.

### **K-12 ACCIDENT PLANS THAT ARE AVAILABLE THROUGH YOUR SCHOOL:**

- School Time Accident Only
- 24-Hour Accident Only
- Interscholastic Sports
- 24-Hour Dental

All available plans are offered by Special Markets Insurance Consultants, Inc. To research which plans are being offered by your school, please visit our website's online enrollment tool at [www.studentinsuranceusa.com](http://www.studentinsuranceusa.com)

### **PAYMENT**

Parents or guardians of students are responsible for enrollment and premium payment.

### **HOW TO ENROLL**

Enrolling is easy and only takes a few minutes.

Go to [www.studentinsuranceusa.com](http://www.studentinsuranceusa.com) and click **K-12 Student Insurance** at the top of the page to see all the options available to your students.

### **STEPS TO ENROLLING ONLINE**

1. Enroll online by clicking "Enroll Now"
2. The State should say California
3. Click on School or District (on the right)
4. Select school location name (if applicable)
5. Check the plan options
6. Complete Online Application  
(more than one child can be enrolled on the same application)
7. Pay by credit/debit
8. Print ID card



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**FOR QUESTIONS, PLEASE CALL**  
**310-826-5688**

## **About Student Insurance**

Since 1950 Student Insurance, Inc. (SI) has delivered competitive pricing on comprehensive Student Accident Insurance coverage to the K-12 segment. For further details of the coverage outlined above, including costs, benefits, exclusions and any reductions or limitation, and the terms under which the policy may be continued in force, please refer to [www.studentinsuranceusa.com](http://www.studentinsuranceusa.com). Students are able to purchase coverage only if his/her school district is a policyholder with the insurance company.



Serving the  
Student Community  
for more than 70 years  
[www.studentinsuranceusa.com](http://www.studentinsuranceusa.com)

# Update



A  **VENBROOK**  
Company

## GERBER'S COVID-19 GUIDELINES

These guidelines are identical to the guidelines issued in August 2020.

[STUDENT INSURANCE](#)

[WWW.STUDENTINSURANCEUSA.COM](http://WWW.STUDENTINSURANCEUSA.COM)

[SIRep@studentinsuranceusa.com](mailto:SIRep@studentinsuranceusa.com)

- 1. Student Accident Policies:** Gerber will provide accident coverage, up to the policy limits, to students regardless of whether they wear a mask. Due to the pandemic, accident coverage will be provided to students if: (a) the school opens and students attend classes in person; (b) the school campus remains closed and students attend classes remotely; (c) the school opens and students are given an option to attend classes in person or attend classes remotely; and (d) the school opens under a hybrid model, with students attending classes in person part of the week and attending classes remotely other days of the week. Remote learning students are only covered while attending Online classes or working on assignments assigned by the school.
- 2. Fall Sports Delays or Cancellations:** At this time, there is still uncertainty at some schools about whether fall sports will take place, or if seasons will be delayed or shortened. If/when cancellations or shortened seasons occur, underwriters can look at the change in risk and provide a fair credit or refund as appropriate.
- 3. Student Athletes:** Gerber will cover student athletes while they're conditioning, practicing, training and performing related activities that are approved and assigned by an authorized representative of the school (coach, trainer, or physical education instructor), whether the instruction takes place virtually, on school grounds, or at another location typically used for conditioning, practicing, training and performing that sport or activity. A student athlete will not have coverage if they are injured while conditioning, practicing, training and performing related activities that are not assigned or approved by an authorized representative of the school (coach, trainer, or physical education instructor). This includes activities provided by parents or by some other entity not authorized by the school.
- 4. Participant Accident:** Our Special Risk Participant Accident coverage normally requires an insured to be participating in or attending a supervised Regularly Scheduled Activity of the Policyholder in person for coverage to apply. Many of the facilities where these activities usually occur remain closed or have limited in-person activities due to COVID-19 mandates or precautions. Due to this, Gerber will cover insureds at their residence when they are virtually participating in activities offered and supervised by the Policyholder. An insured will not have coverage if they are participating in an activity virtually when the activity is not instructed or supervised by the Policyholder.
- 5. Supporting Telemedicine:** During the COVID-19 pandemic it may not be possible for claimants to meet face to face with their healthcare providers. Gerber will continue to provide coverage for telemedicine, so that our insureds can receive the care they need. Each claim will be reviewed according to the terms of the policy.
- 6. Extending Benefit Periods:** Services like rescheduled surgeries, doctor's appointments, physician follow-ups, and physical therapy may be delayed as a result of the COVID-19 pandemic. Gerber will consider claims incurred outside of the benefit period on a case-by-case basis. Claimants will need to certify that their services were delayed due to the COVID-19 pandemic.
- 7. Premium Grace Periods:** Due to the obstacles the COVID-19 pandemic may have caused and to assist our Policyholders, Gerber will provide a 60 day grace period to pay insurance premiums so that insurance policies are not canceled for nonpayment of premium due to circumstances beyond the control of the insured. This grace period is not intended to change the terms of the issued policy or be considered a forgiveness of the premium. Rather, it is intended to grant the policyholder an extended grace period for the payment of premium due without penalty or interest during this pandemic.
- 8. Invoicing Options:** Please consult your Student Insurance Representative if you have questions about invoicing. As your trusted ally, we are happy to discuss options on a case-by-case basis.



**PLEASE READ THIS INFORMATION CAREFULLY. It is important.**

**PLEASE FOLLOW THESE INSTRUCTIONS TO FILE A CLAIM**

**ALL INFORMATION MUST BE PROVIDED IN ORDER FOR CLAIM TO BE PROCESSED. PROCESSING OF YOUR CLAIM WILL BE DELAYED IF COMPLETE INFORMATION IS NOT RECEIVED**

**NOTE:** The accident policy benefits are limited and may not provide 100% coverage. Accident medical expense coverage under this policy is provided on an Excess Basis, and in most instances, benefits will only be paid under this plan after your own personal or group insurance has paid out its benefits. Completion of a claim form does not guarantee benefit payment. Each claim is reviewed according to the policy provisions.

**Claim Guidelines: The following guidelines must be followed.**

♦ Answer all questions in detail (including all signatures on the front and back of the form). A claim form needs to be completed for each accident.

♦ If you have other insurance, submit your claim to your other insurer. When you receive the explanation of benefits (sample attached) notice from your primary carrier, send it to us along with the corresponding HCFA/UB04 medical bills and with the fully completed claim form. You must submit the provider's medical bills; balance due statements will not be processed. Medical bills must include the procedure & diagnosis code along with the Provider's federal identification number. These bills are:

- 1) HCFA-1500 (standard form used by Providers; sample attached)
- 2) UB-04 or UB-92 (standard form used by Hospitals sample attached)
- 3) ADA Dental Claim Form (All dental bills must be submitted through your primary insurance's medical and dental plans first before submitting the bills to WebTPA)

It would be helpful if the following was given to all providers the injured person is seeking treatment from:

1. WebTPA contact information
2. Organization/School name found on the claim form
3. Policy number found on the claim form

This way the providers of service can work directly with the claim office and provide them with the correct billing forms (itemized bill to include procedure & diagnosis code and tax id number) needed to process a claim.

♦ If you already paid the medical bill, include a paid receipt or a copy of your cancelled check at the same time you submit the medical bill. Otherwise payment will be made to the providers of service (Hospital, Physician or Others).

♦ Send all correspondence to WebTPA, Inc., **P.O. Box 2415 Grapevine, TX 76099-2415**. The claim form must be sent within 90 days of the date you first received medical care. Any bills not filed with the claim form should be sent, within 90 days of the date you received medical care, to the Company identified with claimant's name, Organization or School name and date of Accident.

♦ If you change your address, please notify WebTPA, Inc. by sending notification to WebTPA so that there is no delay in processing any claims.

♦ Please contact WebTPA, Inc. by calling **866-975-9468** if you would like to check the status of your claim or if you have any questions on how your claim was processed or the benefit paid.

#### **Common Causes For Delays In Processing Claims**

1. Claim Forms Not Completed In Full or Not Submitted.
2. Balance Due, Balance Forward, or Past Due Statements Submitted for Bills.
3. Explanation of Benefits from Primary Carrier Not Provided with the Bills.

**KEEP COPIES OF ALL CLAIM FORMS, MEDICAL BILLS, AND CORRESPONDENCE FOR YOUR OWN RECORDS UNTIL YOUR CLAIM HAS BEEN PROCESSED.**



Gerber Life  
Insurance Company

## CLAIM FORM

### SIGNED CLAIM FORM IS REQUIRED

1. PLEASE FULLY COMPLETE THIS FORM PAGE 1 & PAGE 2
2. ATTACH HCFA/UB04-MEDICAL BILLS & EOB'S FROM ANY OTHER INSURANCE YOU HAVE
3. SEND ALL CORRESPONDENCE TO:

WEB-TPA  
P.O. Box 2415  
Grapevine, TX 76099-2415

Toll-Free: 866-975-9468  
Fax: 469-417-1969  
Email: [benefit.assist@webtpa.com](mailto:benefit.assist@webtpa.com)

#### IMPORTANT NOTICE:

Your insurance plan is designed to provide maximum benefits for minimum premium. This plan of insurance is secondary, in most instances, to any health insurance you have. If you have other insurance, submit your claim (health and/or dental) to your other insurer. When you receive their Benefit Statement, send it to us along with your HCFA/UB04 (medical bills) and this completed form. Note: **The accident policy benefits are limited and may not provide 100% coverage.**

◀ IF PART 1-A & PART 1-B ARE NOT COMPLETED IN FULL THIS CLAIM CANNOT BE PROCESSED AND WILL BE RETURNED ▶

#### PART 1-A – TO BE COMPLETED IN FULL BY THE ORGANIZATION/SCHOOL

Organization/School District/College Name \_\_\_\_\_ Policy Number \_\_\_\_\_

School/Team/League Name \_\_\_\_\_ Phone No. ( ) \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

\_\_\_\_\_ Type of Activity/Sport \_\_\_\_\_

If Athletics, designate ☐ P.E. Class ☐ Intramural ☐ Interscholastic ☐ Intercollegiate ☐ Game ☐ Jr. Varsity ☐ Varsity  
☐ Youth ☐ Adult ☐ Practice ☐ Other \_\_\_\_\_

Name of injured person/student \_\_\_\_\_

Date of Accident \_\_\_\_\_ Accident Time \_\_\_\_\_

Date of First Treatment \_\_\_\_\_ Has treatment been completed? ☐ Yes ☐ No

Where and how did accident occur? (Please be specific) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Part of body Injured \_\_\_\_\_ ☐ Right or ☐ Left At the time of the accident, was the claimant involved in a sponsored and supervised activity and were they a current student/member of the Organization/School District? ☐ Yes ☐ No

Under whose supervision? \_\_\_\_\_ Was he/she a witness? ☐ Yes ☐ No

Authorized Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

(MUST BE SIGNED BY AN ORGANIZATION/SCHOOL OFFICIAL UNLESS INJURY DID NOT OCCUR DURING AN ORGANIZATION/SCHOOL ACTIVITY. SIGNATURE IS REQUIRED)

#### PART 1-B – TO BE COMPLETED IN FULL BY CLAIMANT – OR BY PARENT/LEGAL GUARDIAN IF CLAIMANT IS A MINOR

Injured Party/Student Legal Name \_\_\_\_\_ Preferred/Nickname: \_\_\_\_\_

Date of Birth \_\_\_\_\_ Age \_\_\_\_\_ Grade Level \_\_\_\_\_ ☐ Male ☐ Female

Claimant is a ☐ Student ☐ Player ☐ Coach ☐ Official/Umpire ☐ Volunteer ☐ Child Care ☐ Participant ☐ CE Student (# of credits \_\_\_\_\_)

Address of Injured Person or Parents/Guardian \_\_\_\_\_

\_\_\_\_\_

Phone No. ( ) \_\_\_\_\_ Email Address \_\_\_\_\_

If Injured party is over age 18: Employer Name and Address \_\_\_\_\_

\_\_\_\_\_

Phone No. ( ) \_\_\_\_\_ ☐ Self Employed ☐ Unemployed

Father/Guardian Name \_\_\_\_\_

Employer Name and Address \_\_\_\_\_ Phone No. ( ) \_\_\_\_\_

\_\_\_\_\_ ☐ Self Employed ☐ Unemployed

**PLEASE CONTINUE TO THE NEXT PAGE OF THE FORM WHICH MUST BE COMPLETED IN FULL**



Mother/Guardian Name \_\_\_\_\_

Employer Name and Address \_\_\_\_\_ Phone No. (     ) \_\_\_\_\_

☐ Self Employed    ☐ Unemployed

Is claimant covered under any other medical and or dental insurance policy?   ☐ Yes   ☐ No

Is claimant covered under a government sponsored insurance such as Medicare/Medicaid?   ☐ Yes   ☐ No

Name of all companies providing claimant insurance coverage or prepaid health plans

Name of Company	Address	Policy #
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Are benefits due for this claim under these other insurance coverages?**   ☐ Yes   ☐ No   **(See IMPORTANT NOTICE at top of form on page 1)**

Does your son or daughter have medical insurance coverage as an eligible dependent from a previous marriage as mandated in a divorce decree?   ☐ Yes   ☐ No   If yes, please give name, address and phone number of responsible party \_\_\_\_\_

**AFFIDAVIT:** I verify that the above statement on other insurance is accurate and complete. I understand that the intentional furnishing of incorrect information via the U.S. Mail may be fraudulent and violate federal laws as well as state laws. I agree that it is determined at a later date that there are other insurance benefits collectible on this claim I will reimburse Gerber Life Insurance Company to the extent for which Gerber Life Insurance Company would not have been liable.

**Signature:** Injured Person, Parent or Guardian \_\_\_\_\_ Date: \_\_\_\_\_

*SIGNATURE IS REQUIRED*

**AUTHORIZATION TO RELEASE INFORMATION:** I hereby authorize any employer, health plan, insurance company, hospital, physician, health care profession, clinic, laboratory, pharmacy, medical facility or other person that has provided treatment, payment, or services in connection with this claim to disclose, when requested to do so, all information with respect to any injury, policy coverage, medical history, consultations, prescription or treatment, and copies of all hospital or medical records and itemized bills to WebTPA, Inc. and Gerber Life Insurance Company, it's agents, employees and representatives.

I hereby authorize WebTPA, Inc. to discuss any information related to medical expenses incurred or treatments rendered in connection with this claim, with Special Markets Insurance Consultants, Inc. representatives and their assigned agents and to officials at the school or organization through which this policy is issued. A photo static copy of this authorization shall be considered as effective and valid as the original.

**Signature:** Injured Person, Parent or Guardian \_\_\_\_\_ Date: \_\_\_\_\_

**SAMPLE UB-04**

DO NOT  
FILL IN  
THIS  
AREA

APPROVED: CHS-00000000

# HEALTH INSURANCE CLAIM FORM

1. MEDICARE		MEDICAID		CHARITABLE		CHAMPION		GROUP HEALTH PLAN		SELF-INSURED		OTHER		BICA	
<input type="checkbox"/> (Insured by)		<input type="checkbox"/> (Insured by)		<input type="checkbox"/> (Insured by)		<input type="checkbox"/> (Insured by)		<input type="checkbox"/> (Insured by)		<input type="checkbox"/> (Insured by)		<input type="checkbox"/> (Insured by)		<input type="checkbox"/> (Insured by)	
2. PATIENT'S NAME (Last, first, middle initial)															
3. PATIENT'S BIRTH DATE MM / DD / YY															
4. PATIENT'S ADDRESS (No. & street) City / State / ZIP CODE															
5. INSURED'S NAME (Last, first, middle initial)															
6. INSURED'S BIRTH DATE MM / DD / YY															
7. INSURED'S ADDRESS (No. & street) City / State / ZIP CODE															
8. INSURED'S POLICY GROUP OR PLAN NUMBER															
9. INSURED'S DATE OF BIRTH MM / DD / YY															
10. INSURED'S SEX M / F															
11. INSURED'S NAME OF SCHOOL, NAME															
12. INSURED'S POLICY GROUP OR PLAN NUMBER															
13. INSURED'S DATE OF BIRTH MM / DD / YY															
14. INSURED'S SEX M / F															
15. INSURED'S NAME OF SCHOOL, NAME															
16. INSURED'S POLICY GROUP OR PLAN NUMBER															
17. INSURED'S DATE OF BIRTH MM / DD / YY															
18. INSURED'S SEX M / F															
19. INSURED'S NAME OF SCHOOL, NAME															
20. INSURED'S POLICY GROUP OR PLAN NUMBER															
21. INSURED'S DATE OF BIRTH MM / DD / YY															
22. INSURED'S SEX M / F															
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[illegible]

## SAMPLE EOB (EXPLANATION OF BENEFITS)

UNITEDHEALTHCARE SERVICE LLC  
GREENSBORO SERVICE CENTER  
P O BOX 740800  
ATLANTA, GA 30374-0800  
PHONE: 1-800-838-8010  
VISIT WWW.MYUHC.COM FOR SELF SERVICE

UnitedHealthcare  
A UnitedHealth Group Company

PAGE: 1 OF 1  
DATE: 04/29/10  
SSN/ID #:   
EMPLOYEE:   
CONTRACT:   
BENEFIT PLAN: PFIZER INC

## EXPLANATION OF BENEFITS

1	2	3	4	5	6	7	8		
PATIENT/RELAT CLAIM NUMBER	PROVIDER/ SERVICE	DATE OF SERVICE	AMOUNT CHARGED	NOT COVERED	AMOUNT ALLOWED	COPAY/ DEDUCTIBLE	PLAN COVERS	BENEFIT AVAILABLE	REMARK CODE
I 9061512101	MEDICAL SERVICES	03/19/10	379.00	297.83	81.17		80%	64.94*	4C
		TOTAL	379.00	297.83	81.17			64.94	
MEDICARE PAID								44.64	
PLAN PAYS								20.30	

(\*) INDICATES PAYMENT ASSIGNED TO PROVIDER

REMARK CODE(S) LISTED BELOW ARE REFERENCED IN THE "SERVICE DETAIL" SECTION UNDER THE HEADING "REMARK CODE"  
(4C) THIS PLAN DETERMINES BENEFITS ONCE MEDICARE MAKES PAYMENT. IF MEDICARE PAYS LESS THAN THIS PLAN'S BENEFIT, THIS PLAN WILL CONSIDER THE DIFFERENCE. THIS PLAN'S ALLOWABLE BENEFITS ARE BASED ON THE MEDICARE APPROVED AMOUNT IF THE PHYSICIAN OR PROVIDER ACCEPTED MEDICARE'S ASSIGNMENT OR ON THE LIMITING CHARGE IF THEY DID NOT ACCEPT THE ASSIGNMENT. THE PATIENT IS RESPONSIBLE FOR THE DIFFERENCE BETWEEN THE ALLOWABLE AMOUNT AND THE TOTAL AMOUNT PAID BY BOTH PLANS. THE PATIENT MUST PAY ANY APPLICABLE PLAN DEDUCTIBLES AND COPAYS BEFORE THIS PLAN CAN PAY ANY BENEFITS.

BENEFIT PLAN PAYMENT SUMMARY INFORMATION
\$20.30

SATISFIED 2010 TO DATE	DEDUCTIBLE	OUT OF POCKET
FAMILY	\$1000.00	\$1328.77
SP	\$500.00	\$1281.49
PLAN YEAR 2010	FAMILY \$1000.00	FAMILY \$4000.00
	INDIV \$500.00	INDIV \$4000.00

**GERBER LIFE INSURANCE COMPANY**  
1311 Mamaroneck Avenue, White Plains, New York 10605

**Blanket Accident Insurance Application**

Name of Policyholder \_\_\_\_\_ Policy Number \_\_\_\_\_  
(as it should appear on the Policy)

Mailing Address \_\_\_\_\_  
(City) (State) (Zip Code)

Insurance Contact Name \_\_\_\_\_ Title \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email Address \_\_\_\_\_

Policy Effective Date\* \_\_\_\_\_ Policy Expiration Date \_\_\_\_\_ 1<sup>st</sup> Day of the Following School Year  
(\*This will be the effective date if enrollment form and premium are received)

Date of First School Year Activity \_\_\_\_\_ Date of Last Day of School \_\_\_\_\_

Date of First Day of Football \_\_\_\_\_ Date of Last Day of Football \_\_\_\_\_

Date of the 1st Day of the Following School Year \_\_\_\_\_

Coverage under the Optional School-Time Accident Coverage, the Optional 24-Hour Accident Coverage and the Optional 24-Hour Dental Coverage starts on the date of premium receipt but not before the start of the school year. Optional School-Time Accident Coverage ends at the close of the regular nine-month school term, except while the student is attending academic classroom sessions exclusively sponsored and solely supervised by the School during the summer. Optional 24-Hour Accident and Dental Coverage ends when school reopens for the following school year. Optional Football Coverage begins on the date of premium receipt and ends on the last day of practice or competition.

**Covered Activities and Rates**

**Optional Coverages – Plan “Low”, Plan “Medium” or Plan “High” Only**

(Paid for by the Student or Parent per year. A link will be provided for on-line enrollment)

☐ School Time w/Sports No FTB   ☐ School Time No Sports   ☐ 24Hour w/Sports No FTB   ☐ 24Hour No Sports   ☐ 24Hour Extension  
☐ Football   ☐ Dental

Number of Students:   PreK-8 \_\_\_\_\_   9-12 \_\_\_\_\_

**We hereby enroll with Gerber Life Insurance Company for the plan(s) of insurance selected. We understand that insurance will be in force if this application is accepted by the Company, and the required premium is received by the Company when due. We represent that the information contained in this application is true and correct and forms the basis of the requested insurance.**

\_\_\_\_\_  
Signature of Official Authorized to Contract for the Policyholder

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date Signed

**Local/Regional Licensed Agency**

Agency Name: \_\_\_\_\_ Student Insurance

Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_ 6320 Canoga Ave., 12<sup>th</sup> Floor

City, State, Zip: \_\_\_\_\_ Woodland Hills, CA 91367

Phone Number: \_\_\_\_\_ 310-826-5688

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_  
(Licensed Agent)

Date: \_\_\_\_\_

## **Fraud Statement**

**For residents of Arkansas, Louisiana and West Virginia:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**For residents of Colorado:** It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

**For residents of the District of Columbia:** **WARNING:** It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

**For residents of Florida:** Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree.

**For residents of Kentucky:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime.

**For residents of Maine, Tennessee, Virginia and Washington:** It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

**For residents of Maryland:** Any person who knowingly and willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly and willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**For residents of New Jersey:** Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

**For residents of New Mexico:** ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES.

**For residents of New York:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

**For residents of Ohio:** Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

**For residents of Oklahoma:** **WARNING:** Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

**For residents of Pennsylvania:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

**Names of schools and grades to be covered.**

**School Name**

## Grades

# of Students# of Athletes[illegible]

**SAN MARCOS UNIFIED SCHOOL DISTRICT**

**Acknowledgement of Parent or Guardian of Specific School Activities**

(Please sign and return to your child's school.)

STUDENT'S NAME \_\_\_\_\_

SCHOOL \_\_\_\_\_

GRADE \_\_\_\_\_

*Student is on a continuing medication program. (Please check) Yes*\_\_\_\_ *No*\_\_\_\_

IF YES, you have my permission to contact my physician.

PHYSICIAN'S NAME \_\_\_\_\_

PHYSICIAN'S TELEPHONE \_\_\_\_\_

MEDICATION \_\_\_\_\_

DOSAGE \_\_\_\_\_

*I hereby acknowledge receipt of information regarding my rights, responsibilities and protections. I also attest under penalty of perjury that I am a resident of the district, as previously verified, or attend under an approved Interdistrict Attendance Agreement.*

SIGNATURE OF PARENT OR GUARDIAN \_\_\_\_\_

DATE \_\_\_\_\_

# OPTIONAL FORMS

**(Please print, sign and return if you are interested in any of these optional forms)**

- PARENTAL OPTIONS (Vision & Hearing Screenings, Sexual Health & HIV Prevention Education, Right to Refrain from Harmful or Destructive Use of Animals)
- MEDIA OPT-OUT FORM
- ANNUAL PESTICIDE NOTIFICATION REQUEST

**SAN MARCOS UNIFIED SCHOOL DISTRICT**  
**2022-23 PARENTAL OPTIONS**  
*(Applicable Only for the Current School Year)*

PARENTS: PLEASE READ AND COMPLETE THE INFORMATION BELOW AND RETURN IT TO YOUR SCHOOL

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Grade: \_\_\_\_\_  
School: \_\_\_\_\_

**Vision and Hearing Screenings**

San Marcos Unified School District may require vision and hearing screenings of students enrolled in District programs or activities. Any screening required by the District shall be kept confidential. A parent or guardian having control or charge of any child enrolled in public schools may file annually with the principal of the school in which she/he is enrolled a statement in writing, signed by the parent or guardian, stating that she/he will not consent to a screening of the child.

☐ I **do not** want my child to undergo vision and hearing screening.

\_\_\_\_\_  
Signature of Parent/Guardian (if student is under 18)

**Sexual Health and HIV Prevention Education**

Students enrolled in District programs or activities may receive instruction in health education, including comprehensive sexual health education and HIV prevention and including information regarding sexual harassment, sexual abuse and human trafficking. Parents or guardians may submit a written request to excuse their child from participation in any class involving comprehensive sexual education or HIV prevention education, or from participation in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

I would like my child **excused** from:

☐ Participation in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

All instructional materials are available for review. You may also request a copy of the California Healthy Youth Act (California Education Code sections 51930–51939).

This instruction will be provided by San Marcos Unified school district personnel.

**If you do not want your student to participate in comprehensive sexual health or HIV prevention education, please provide a signed, written note to your school site, principal, teacher, etc. before instruction begins.**

\_\_\_\_\_  
Signature of Parent/Guardian (if student is under 18)

**Right to Refrain from Harmful or Destructive Use of Animals**

Pursuant to Education Code 32255 *et seq.*, any student with a moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, shall notify his or her teacher regarding this objection. The student must obtain a note from his or her parent or guardian requesting exemption from participation in an education project involving the harmful or destructive use of animals.

☐ I would like my child **excused** from participation in an education project involving the harmful or destructive use of animals.

\_\_\_\_\_  
Signature of Parent/Guardian (if student is under 18)



**SAN MARCOS UNIFIED SCHOOL DISTRICT**  
**2022-23 PARENTAL OPTIONS**  
*(Applicable Only for the Current School Year)*

Media Release

- ☐ The student may be interviewed, photographed, or filmed by members of the media.
- ☐ The student may NOT be interviewed, photographed, or filmed by members of the media.

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Signature of Parent/Guardian (if student is under 18)

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Signature of Student (if student is 18 or older)

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Signature of Student (if over age of 14 and homeless  
and unaccompanied youth.)

**SCHOOL DISTRICT**  
**2022-23 ANNUAL PESTICIDE NOTIFICATION REQUEST**

PARENTS: PLEASE READ AND COMPLETE THE INFORMATION BELOW  
AND RETURN IT TO YOUR SCHOOL PRINCIPAL

Parents/guardians can register with the school to receive notification or individual pesticide applications. 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.

Parents/guardians seeking access to information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code 13184, can do so by accessing the web-site at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

---

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_

☐ I would like to be pre-notified every time a pesticide application is to take place at the school. I understand that the notification will be provided at least 72 hours before the application.

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Signature of Parent/Guardian (if student is under 18)

---

Signature of Student (if student is 18 or older)