

CARMEL UNIFIED SCHOOL DISTRICT

NOTICE OF PARENTAL AND LEGAL GUARDIAN RIGHTS

The following is a list of the rights you have as a parent or guardian of a child in public school. The rights listed are granted by federal or state laws, regulations and court decisions. Please read each section carefully.

You have the right as a parent/guardian:

A. STUDENT DISCIPLINE AND ATTENDANCE

1. **RULES REGARDING DISCIPLINE.** To obtain a copy of the Governing Board's rules and regulations on student discipline. (Ed. Code §35291.)
2. **REQUIRED PARENTAL ATTENDANCE.** To be informed that you may be required to attend your child's class if he or she is suspended for unruly or disruptive conduct. (Ed. Code § 48900.1 and 48914.)
3. **ATTENDANCE OPTIONS.** To receive notification of all current statutory attendance options and local attendance options. Parents will receive a written description of all options for meeting residency requirements for school attendance. (Ed. Code § 48980(h).) **See attachment.**
4. **EMPLOYMENT-BASED SCHOOL ATTENDANCE OPTIONS.** To apply for enrollment of your child in a district in which you are employed; however, the district may have the right to deny the application under certain conditions. (Ed. Code § 48204(b).) **See attachment.**

PARENT AND STUDENT LIVING AT PARENT'S PLACE OF EMPLOYMENT FOR A MINIMUM OF 3 DAYS DURING THE SCHOOL WEEK. Parents may apply for enrollment of their child in a school district in which the parent is employed, and where the parent and child live at the parent's place of employment for a minimum of 3 days during the school week. (Ed. Code § 48204(a)(7).)

5. **ALTERNATIVE SCHOOLS.** To request information about enrollment in alternative schools. (Ed. Code § 58501.) **See attachment.**
6. **ABSENCE EXCUSED FOR JUSTIFIABLE REASON.** To excuse your child from school for justifiable personal reasons upon written notice and approval by the principal or designated representative.

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

- 1) Due to his or her illness.
- 2) Due to quarantine under the direction of a county or city health officer.
- 3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- 4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- 5) For the purpose of jury duty in the manner provided for by law.
- 6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- 7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- 8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- 9) For the purpose of spending time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for,

is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Superintendent.

(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 the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence. (Ed. Code § 48205.)

(c) Attendance at religious retreats shall not exceed four hours per semester.

NOTE: Except when attendance is excused for justifiable personal reasons, pupils between the ages of 6 and 18 years are required by law to attend school and parents must compel their children to do so. The serious consequences of truancy have prompted the Monterey County Office of Education and the Carmel Unified School District to develop a Truancy Mediation Program in cooperation with the Offices of the Monterey County District Attorney, the Department of Social Services, and the Probation Department. If your child is absent from school several times without a valid excuse, he or she will be declared a truant. You will be notified in writing that such action has been taken and, if necessary, assistance will be requested from the District Attorney's Advisory Board.

7. **ABSENCE FOR RELIGIOUS PURPOSES.** To excuse your child from school to attend religious exercises or classes upon written notice. Such absences may not exceed four days per month. An excused child must nevertheless maintain his or her attendance at the minimum level of school days required for his or her grade. (Ed. Code § 46014.)
8. **PERMISSION FOR PUPILS TO LEAVE SCHOOL GROUNDS.** To be informed that pupils may not leave the school campus during the regular school day unless they have permission of the school principal, except that Juniors and Seniors at Carmel High School meeting certain qualifying conditions may leave the campus during the scheduled lunch period. Neither the District nor any officer or employee thereof will be liable for the conduct nor safety of any high school student during such time as the student has left the school grounds. (Ed. Code § 44808.5.)
9. **SEXUAL HARASSMENT.** To receive the District's written policy of sexual harassment as it relates to students. (Ed. Code § 231.5.) **See attachment.**
10. **MINIMUM AND STAFF DEVELOPMENT DAYS.** To be notified of minimum days or staff development days. (Ed. Code § 48980.) **See enclosed calendar for dates.**
11. **USE OF TRAINED DOGS TO DETECT ILLEGAL SUBSTANCES.** To be informed that the District may use specially trained, non-aggressive dogs to sniff out and alert staff to presence of substances prohibited by law and/or policy; and that when a dog alerts on a student's property or their locker, this may constitute the reasonable suspicion necessary to conduct a search. (Board Policy 5145.12.)
12. **ALCOHOL TESTING PROGRAM.** To be informed that the District may administer random breathalyzer tests to students who attend voluntary school sponsored events and to any student at any time if the District administration has a "reasonable suspicion" that the student is under the influence of alcohol while on District property or attending a school sponsored event. (Board Regulation 5131.6(a)).
13. **SAFE AND DRUG-FREE SCHOOLS PROGRAM.** To be informed that the District participates in the Safe and Drug Free Schools Program. The District offers opportunities for parental involvement in this program. You may request in writing that your student be withdrawn from this program. If you have questions please contact Paul Behan, Director of Technology and Special Projects at 624-1546, extension 2040. (20 USC § 7116.)
14. **STUDENTS IN TRANSITION.** To be informed that homeless students or students in transition may not be required to attend a separate school. Homeless students or students in transition may enroll in any school in

the District in accordance with District policies. Homeless students and students in transition have the right to receive transportation services, educational services, and meals through school meal programs as provided for all students in accordance with District policy. For further information, contact Paul Behan, Director of Technology and Special Projects at 624-1546, extension 2040. (42 U.S.C. § 11432.)

15. **STUDENT FEES, CHARGES AND DEPOSITS.** To be informed that students enrolled in the District shall not be required to pay a fee or charge, or make a deposit, as a condition for participation in District educational activities, unless authorized by law. (Ed. Code § 49010-49013.)

B. STUDENT HEALTH

1. **CONFIDENTIAL MEDICAL SERVICES.** To be informed that school authorities will notify students in grades 7 to 12 that they may be excused from school for the purpose of obtaining confidential medical services without your consent. However, CUSD Board Policy prohibits the release of students from school for any purposes without giving parents/guardians notice. (Ed. Code § 46010.1.)
2. **IMMUNIZATION FOR SCHOOL ADMISSION.** To be informed that your child must be immunized against certain diseases before being admitted to school, unless exempted for medical or based on religious or personal beliefs. Students who had a signed waiver based on religious or personal beliefs on file by January 1, 2016, will be exempt from the immunization requirement until they complete the "grade span" they were in as of January 1, 2016. Grade spans are defined as: (1) birth through preschool, (2) Kindergarten through 6th grade, and (3) 7th through 12th grade. Students entering the District for the first time or advancing to 7th grade after July 1, 2016 will no longer be exempt from immunizations based on religious or personal beliefs. (Ed. Code § 48216 and HSC § 120335.)
- *3. **IMMUNIZATION FOR COMMUNICABLE DISEASE.** To consent to the immunization of your child in the event that the District should participate in an immunization program for the purposes of prevention and control of communicable diseases, your child will not participate unless you have provided specific written consent. (Ed. Code § 49403.)
4. **ADMINISTRATION OF MEDICATION AT SCHOOL.** To request assistance in administering medication to your child during school hours. Such assistance requires your written authorization and that of a physician, surgeon or physician's assistant detailing the method, amount and time schedules for taking the medication. (Ed. Code § 49423 and 5 CCR §§ 600-611.)
5. **AUTO-INJECTABLE EPINEPHRINE/INHALED ASTHMA MEDICATION.** To provide a written statement to the District allowing your child to carry and self-administer prescribed auto-injectable epinephrine and/or inhaled asthma medication. A physician or surgeon's statement confirming that your child is able to self-administer the medication and detailing the name of the medication, the method, amount and time schedule for administration must also accompany the request. In the case of auto-injectable epinephrine, a physician assistant may also provide this written statement. The parent, foster-parent or guardian must also: (1) consent in writing to the self-administration, (2) provide a release for the school nurse or other designated school personnel allowing them to consult with the student's physician and (3) agree to release the District and school personnel from civil liability in the event of an adverse reaction to the medication. These written statements must be provided to the school at least annually or more frequently if the medication, dosage, frequency of, or reason for, the administration changes. (Ed. Code §§ 48980, 49423, and 49423.1.)
6. **ANTI-SEIZURE MEDICATION.** Parents of a student with epilepsy who has been prescribed emergency anti-seizure medication may request that their student's school have one or more of its employees receive voluntary training in the administration of the medication in the event that the student suffers a seizure when a nurse is not available. Upon receipt of the parent's request, the District must notify the parent that his or her child may qualify for an individualized education program or a Section 504 plan. (Ed. Code § 49414.7(c) and (d).)

7. **EXEMPTION FROM PHYSICAL EXAMINATION.** To exempt your child from any physical examination upon your written notification. However, where there is good reason to believe that your child is suffering from a recognized contagious or infectious disease, your child will be sent home and will not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist. (Ed. Code § 49451.)
8. **PARENT OBLIGATION TO NOTIFY.** To be informed of your obligation to notify appropriate school personnel (e.g., school nurse or designated employee) of your child's continuing medication regimen for a non-episodic condition. With your consent, the school nurse may communicate with your child's physician and may counsel 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. (Ed. Code § 49480.)
9. **MEDICAL SERVICES AND INSURANCE.** To be informed that the District does not carry insurance for medical or hospital services for injuries to pupils during normal school and athletic activities. **FAMILIES MAY PURCHASE REDUCED-COST INSURANCE IF THEY DESIRE THIS COVERAGE.** Information is available at each school. (Ed. Code § 49471.)
10. **FREE AND REDUCED LUNCH PROGRAM.** To obtain information and apply for participation in the Free and Reduced Lunch Program offered by the District to provide nutritional meals to eligible students. Information and applications are available through each school office. (Ed. Code § 49510 et seq.)
11. **TOBACCO FREE SCHOOL DISTRICT.** To be hereby notified that use of tobacco products is prohibited at all times on District property and in District vehicles. This prohibition applies to all employees, students, parents/guardians, visitors, and other persons at any school or school sponsored meeting, activity, or athletic event. (Board Policy 3513.3.)
12. **PESTICIDE USE NOTIFICATION.** To be notified in accordance with the requirements of the Healthy Schools Act of 2000 of all pesticides the District expects to apply during the year. The following is a list of all pesticide products, including the active ingredient(s), expected to be applied in your school during the upcoming year:

Roundup (herbicide)

Active ingredient: Glyphosphate, N-(phosphonomethyl) glycine, in the form of its isopropylamine salt 41.0%

P.C.Q. (pelleted rodent bait)

Active ingredient: Diphacinone; z-(Diphenylacetyl)-1,3-indandione 0.01%

Sling Shot (wasp killer)

Active ingredients: tetramethrin [(1-cyclohexene-1, 2-dicarboximido) methyl 2, 2- dimethyl-3-(2- methylpropenyl) cyclopropanecarboxylate] ...0.200%; 3-phenoxybenzyl-(1RS, 3RS; 1RS, 3SR)-2, 2-dimethyl-3-(2-methylprop-1-enyl) cyclopropanecarboxylate ...0.125%

Please contact Dan Paul, at 624-6311, if you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school. Prior to the application of any pesticide, the District will post a warning sign at the area to be treated at least 24 hours prior to the pesticide application and such sign will remain posted for at least 72 hours after the application. In the event of an emergency condition, advance notification and prior sign posting may not be feasible, but a warning sign will be posted immediately upon application of the pesticide. For additional information regarding pesticides and pesticide use, please visit the website for the State of California's Department of Pesticide Regulation at <http://www.cdpr.ca.gov>. (Ed. Code §§ 48980.3 and 17612.)

Copies of the District's Integrated Pest Management plan, Administrative Regulation 3514.2 – Integrated Pest Management, are available in the school offices and on the District's website, under board policies, at <http://www.carmelunified.org/Page/5>

C. STUDENT RECORDS

1. **DISTRICT POLICIES.** To be informed that each school maintains mandatory permanent (kept indefinitely) and interim (may be destroyed after a stipulated length of time) student records. In addition, permitted records (may be destroyed when no longer useful) are kept. Permitted records include objective counselor/teacher ratings, disciplinary notices and data, verified reports of relevant behavior patterns, standardized test results older than three years, and supplementary attendance records. (Ed. Code § 49063; Family Educational Rights and Privacy Act ("FERPA"), 34 Code of Federal Regulations (CFR) Part 99.7.)
2. **RIGHT TO PRIVACY.** To know that your child's right to privacy prohibits the release of confidential information in your child's records to individuals other than yourself, your child (if 16 or older), or certain authorized individuals. (Ed. Code §49060 et seq.) School officials may be authorized to inspect student records if a legitimate educational interest exists. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibilities. A school official is a person employed by the District as an administrator, supervisor, instructor, support staff member (including health or medical staff and law enforcement unit personnel), a person serving on the governing board, a person or company with whom the District has contracted to perform a special task (such as attorney, auditor, consultant, or therapist), or a parent or student serving on an official committee (such as a disciplinary or grievance committee), or assisting another school official in performing his or her tasks. (FERPA, 34 CFR Part 99.7.)
3. **CONSENT TO DISCLOSURE.** To consent to disclosure of personally identifiable information contained in your child's records, except to the extent disclosure without consent is permitted by law (e.g.; court order). (Ed. Code § 49073 et seq.)
4. **REVIEW AND INSPECT RECORDS.** To request access to review and inspect your child's school records during regular school hours. Access shall be granted within 5 business days following the date of the request. (Ed. Code § 49069.)
5. **COPY OF RECORDS.** To receive a copy of any information in your child's records at a reasonable cost per page. (Ed. Code § 49065.)
6. **CHALLENGE OF STUDENT RECORDS.** To request that information which you believe to be inaccurate or inappropriate, be removed from your child's records. (Ed. Code § 49070.)
7. **REMOVAL OF SUSPENSION RECORD.**

A student (or the parent of the student) with senior standing who has a record of not more than one prior suspension may submit a written request to the Superintendent to remove from the student's official school file the record of that suspension, unless that suspension was for any of the following acts;

 - a. **Mandatory Recommendation** (Ed. Code § 48915(c).)
 1. Possessing, selling, or otherwise furnishing a firearm. (Unless the student obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the principal's designee.
 2. Brandishing a knife at another person.
 3. Unlawfully selling a controlled substance.
 4. Committing or attempting to commit a sexual assault or committing a sexual battery.
 5. Possession of an explosive
 - b. **Mandatory Recommendation Unless Inappropriate** (Ed. Code § 48915(a).)

1. Causing serious physical injury to another person, except in self-defense.
 2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the student.
 3. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, except for the first offense of the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 4. Robbery or extortion.
 5. Assault or battery, as defined by Penal Code sections 240 and 242, upon any school employee.
8. **FILE COMPLAINT.** To file a complaint with the United States Department of Health, Education, and Welfare concerning alleged failure by the District to comply with the requirements of the General Education Provisions Act. (20 U.S.C § 1232(e).) To file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. (34 CFR Part 99.7). The name and address of the Office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920.
9. **RELEASE OF DIRECTORY INFORMATION.** To be notified that California law allows the following directory information to be disclosed by school officials: student's name, address, e-mail address, telephone number, date of birth, major field of study, participation in officially recognized sports and activities, weight and height of athletic team members, dates of attendance, degrees and awards received, and the most recent previous school attended. Directory information released to PTA's, FOCUS, CHS Alumni Association, law enforcement agencies, military recruiters and institutions of higher education may include a student's name, address, e-mail and telephone number. Parents may request in writing that directory information not be released. Any request to withhold directory information must be received by the school within 7 days from this notice. (2001 No Child Left Behind Act, § 9528(a)(2); 34 CFR § 99.37(a)(3).)
10. **HOMELESS STUDENTS / RELEASE OF DIRECTORY INFORMATION**
Written consent of the parent or that of the student, if accorded parental rights, must be obtained before directory information pertaining to a homeless student may be released. (Ed. Code § 49073(c) and 20 USC § 1232g.)
11. **CAL GRANT PROGRAM / SENIOR OPT-OUT.** School districts shall give written notice annually, by October 15, to each 12th grade student and to the parents/guardians of 12th graders under the age of 18, that students will be automatically deemed Cal Grant applicants unless the student, or the parent/guardian if the student is a minor, opts out within 30 days of receipt of this notice. Twelfth graders who are 18 years or older and parents/guardians of minor 12th graders may contact Paul Behan at pbehan@carmelunified.org or 831-624-1546, extension 2040 if they do not want their grade point average reported to the California Student Aid Commission (CSAC) for purposes of the Cal Grant Program. Carmel and Carmel Valley High Schools plan to first submit senior GPAs electronically to the CSAC on February 14 in the Spring semester of this school year. (Ed. Code § 69432.9(d).)
12. **NOTIFICATION TO TEACHERS.** To be informed that the District will notify your child's teacher(s), in confidence, if your child has caused or attempted to cause serious bodily injury to another person. The information provided the teacher(s) will be based on any written records that the District maintains or receives from a law enforcement agency regarding your child. (Ed. Code § 49079.)
13. **TRANSFER OF SUSPENSION AND EXPULSION DISCIPLINARY RECORDS.** The District will forward student records, including suspension and/or expulsion disciplinary records, to other schools that have requested the records and in which the student seeks or intends to enroll. (FERPA, 34 (CFR) Part 99.7 and § 99.34(a)(ii).)

D. STUDENT INSTRUCTION

- 1. RIGHT TO REFUSE OR REFRAIN FROM INSTRUCTION INVOLVING THE USE OF ANIMALS OR ANIMAL PARTS.** To substantiate your child's moral objection to dissecting, destroying or otherwise harming animals as part of an education project. Teachers of courses utilizing dead animals or animal parts will inform students of their right to object to participate in a particular project involving the harmful or destructive use of animals. Your written note attesting to your child's objection may, at the teacher's option, entitle your child to participation in an alternative education project or to be excused from the project altogether. (Ed. Code § 32255 et seq.)
- 2. AVAILABILITY OF HOME/HOSPITAL INSTRUCTION.** To have your child with a temporary disability receive individual instruction if attendance at school is impossible or inadvisable. Individual instruction may be provided at the student's home, in a hospital, or other residential health facility. When a student becomes temporarily disabled, it is the parent/guardian's responsibility to notify the District in which the student is receiving care. (Ed. Code § 48206.3 et seq.)
- 3. SPECIAL EDUCATION.** To be informed of District programs for students with exceptional needs, including your right to have your child placed in an appropriate program, and to be consulted about the assessment and placement of your child. Students with exceptional needs have a right to a free appropriate public education. (Ed. Code §56000, et seq.)
- *4. SEX EDUCATION AND HIV/AIDS PREVENTION EDUCATION.** To be informed, in writing, of comprehensive sexual health education and HIV/AIDS prevention education and research on student health behaviors planned for the coming year. You may ask to inspect the written and audiovisual education materials used for this instruction and to request a copy of Education Code sections 51930-51939. You have the right to be informed whether this instruction will be taught by District personnel or by outside consultants. You have the right to request in writing that your child be excused from all or part of any comprehensive sexual health education, HIV/AIDS prevention education or assessments related to that education. This notice does not apply to human reproductive organs which may appear in physiology, biology, zoology, general science, personal hygiene, or health textbooks, adopted pursuant to law. (Ed. Code §§ 51937, 51938 and 51939.)
- 5. STUDENT SURVEYS, TESTS AND QUESTIONNAIRES REGARDING SEXUAL ATTITUDES AND PRACTICES.**

The law also authorizes the district to use anonymous, voluntary and confidential research and evaluation tools to measure 7th-12th grade students' health behaviors and risks, including tests, questionnaires, and surveys containing age appropriate questions about the student's attitudes concerning or practices relating to sex. The district must notify you in writing before any such test, questionnaire, or survey is administered and provide you with an opportunity to review the test and request in writing that your child not participate. If a school receives a written request from the parent or guardian excusing a student from this activity, the student may not be subject to disciplinary action, academic penalty or other sanction and an alternative educational activity must be made available to the student. (Ed. Code §§ 51938(c) and 51939.)
- 6. PARENT NOTIFICATION OF POTENTIAL FAILING GRADE.** To be notified, either by conference or written report, whenever it becomes evident to the teacher that the student is in danger of failing a course. (Ed. Code § 49067.)
- *7. PERSONAL BELIEFS.** To be notified that no test, questionnaire, survey, or examination which has questions about the student's, or parent/guardian's beliefs and practices in sex, family life, morality or religion shall be administered without prior notification and written permission of the parent or guardian. To inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material to be used in connection with any survey, analysis or evaluation. (Ed. Code §§ 51513 and 60614; 20 U.S.C. § 1232h(b).)
- *8. POLITICAL AFFILIATIONS/BEHAVIOR/CLOSE FAMILY RELATIONSHIPS.** To be notified in writing if a test, questionnaire, survey or examination is to be administered to your child containing questions about his or her, or your: political affiliations or beliefs, illegal, anti-social, self-incriminating, or demeaning behavior, mental or psychological problems, lawyer, physician, minister, critical appraisals of individuals with whom you have close family relationships and income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program). You have the right to inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material to be used in connection

with any survey, analysis or evaluation. You have the right to consent to the administration of such test, questionnaire, survey or examination. (20 U.S.C. § 1232h(b).)

9. **AVAILABILITY OF COURSE DESCRIPTION FOR REVIEW.** To request to review a course outline describing the curriculum, including titles, descriptions, and instructional aims of every course offered by your child's school.
10. **GRADUATION REQUIREMENTS.** To be made aware of the District's graduation requirements. (Ed. Code § 51225.3.)
- *11. **HIGH SCHOOL EXIT EXAM.** The California High School Exit Examination is currently suspended through the 2017-2018 school year. (Ed. Code §§ 37254 and 60850 et seq.)
12. **CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP) EXEMPTION.** Each year, parents and guardians will be notified regarding their student's participation in the CAASPP assessment system. Parents and guardians wanting to excuse their children from any or all parts of the CAASPP must submit a written request. Such written requests must be submitted to the school on an annual basis. If you have any questions, please contact your appropriate site Principal.
13. **PARENT INVOLVEMENT.** To be made aware of the District's Parent Involvement program or policy. (Ed. Code § 11500 et seq.)
14. **CAREER COUNSELING AND COURSE SELECTION.** To be notified, at least once, in advance of career counseling and course selection commencing with course selection for grade 7 so that you may participate in the counseling sessions and decisions. (Ed. Code § 221.5(d).)
15. **ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE EXAMINATION FEES.** To be informed of the availability of state funds to cover the costs of Advanced Placement and International Baccalaureate examination fees pursuant to Education Code section 52244. (Ed. Code § 48980(k).)
- *16. **SURVEYS.** To be informed that students in grades 5, 7, 9, and 11 are encouraged to take the California Healthy Kids survey, which will be administered during Fall, 2016. A notice with specific dates of administration will be sent.
17. **COLLEGE ADMISSIONS REQUIREMENTS/CAREER TECHNICAL EDUCATION.** Parents of students enrolled in grades 9-12 have a right to receive annual notice of the following college admissions requirement and career technical education information:
 - A. College Admissions Requirements
University of California:
There are three paths to eligibility for freshmen:
 - (1) Eligibility in the Statewide Context - Students must complete specific coursework and college admissions tests and earn the required GPA and test scores.
 - (2) Eligibility in the Local Context (ELC) – Students must rank in the top 4 percent of their graduating class at a participating California high school.
 - (3) Eligibility by Examination Alone - Students must achieve specified high scores on their college admissions tests.

The following website links provide more information regarding University of California admission requirements:

http://www.universityofcalifornia.edu/admissions/undergrad_adm/paths_to_adm/freshman.html

http://www.universityofcalifornia.edu/admissions/undergrad_adm/paths_to_adm/freshman/subject_reqs.html

California State University:

Most applicants who are admitted meet the standards in each of the following areas:

- Specific high school courses
- Grades in specified courses and test scores
- Graduation from high school

The following website link provides more information regarding the California State University admission requirements: http://www.csumentor.edu/planning/high_school/

B. Career Technical Education

Career Technical Education is a program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers.

For more information, visit the California Department of Education's website at: <http://www.cde.ca.gov/ci/ct/>

C. Guidance Counseling

Students may meet with guidance counselors at their school to discuss college admission requirements and/or to enroll in career technical education courses. (Education Code §§ 51229 and 48980(l).)

E. UNIFORM COMPLAINT PROCEDURES.

Title 5 of the California Code of Regulations requires school districts to adopt and provide Uniform Complaint Procedures to assist you with questions regarding your rights. (5 CCR § 4622.) Refer to the Uniform Complaint Procedure Annual Notification for further information about complaints. Copies of the District's Uniform Complaint Procedures are available free of charge and are attached hereto. **See attachment.**

- 1. NON-DISCRIMINATION.** Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and state law prohibit discrimination on the basis of race, color, national origin, or sex in federally financed education programs or activities. District programs shall be free from discrimination based on age, sex (sex discrimination includes discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from pregnancy or childbirth-related conditions, or denial of lactation accommodations for lactating students) gender (including a person's gender identity and gender expression, which is a person's gender-related appearance and behavior whether or not stereotypically associated with a person's assigned sex at birth), race, color, religion (including agnosticism, atheism and all aspects of religious belief, observance and practice), ancestry, national origin, ethnic group identification, ethnic background, lack of English skills, marital or parental status, physical or mental disability, genetic information, sexual orientation (including heterosexuality, homosexuality and bisexuality) or the perception of one or more of such characteristics. Harassment, intimidation or bullying based upon these actual or perceived characteristics or on a person's association with a person or group with one or more of these actual or perceived characteristics is also prohibited. The Board is committed to a workplace that is free from discrimination and/or gender bias and shall promote programs which ensure that discriminatory practices are eliminated in all District activities. Any questions or concerns about noncompliance can be directed to Paul Behan, Director of Technology and Special Projects, Office Location: District Office, 4380 Carmel Valley Road, Carmel, phone: 624-1546, and e-mail address: pbehan@carmelunified.org. Refer to the Uniform Complaint Procedure Annual Notification booklet for further information about non-discrimination complaints. (34 CFR §§ 100.6, 106.9 and 5 CCR § 4610(c)). **See attached Nondiscrimination/Harassment policy.**
- 2. PROGRAMS.** The District maintains a uniform complaint procedure for investigating complaints regarding violations of the laws and regulations governing: consolidated categorical aid programs, Adult Basic Education, Vocational Education, Child Care and Development, Special Education, Migrant Education, Child Nutrition Programs, federal school safety planning requirements and Local Control Accountability Plan non-compliance. (5 CCR §§ 4600-4671.) **See attached Uniform Complaint Procedures.**

3. **COMPLAINTS REGARDING TEACHER VACANCIES/ MISASSIGNMENTS/FACILITIES IN NEED OF CLEANING OR REPAIR/INSTRUCTIONAL MATERIALS DEFICIENCIES.** To file a complaint (anonymously, if you wish) with the principal or designee at the site where the problem exists. (Ed. Code § 35186.) **See attached Uniform Complaint Procedures and** <http://www.carmelunified.org/cms/lib07/CA01000917/Centricity/Domain/37/Williams%20Uniform%20Complaint%20Procedure%20Form%20rev%2010-14.pdf>
4. **PUPIL FEE NONCOMPLIANCE.** Complaints regarding the imposition of pupil fees for participation in educational activities may be filed with the school principal and may be submitted anonymously, if you wish. If complainant is not satisfied with the District's decision, complainant may appeal to the California Department of Education (CDE) and receive a written decision from the CDE within 60 days. (Ed. Code § 49013.) **See attached Fees and Charges policy.**
5. **LOCAL CONTROL ACCOUNTABILITY PLAN NONCOMPLIANCE.** School districts, charter schools and county offices of education are required to adopt and annually update their LCAPs. LCAP non-compliance complaints may be filed under the District's Uniform Complaint Procedures and may be filed anonymously. If a complainant is not satisfied with the District's decision, the complainant may appeal to the California Department of Education and receive a written decision within 60 days. (Ed. Code § 52075.)
6. **UNIFORM COMPLAINTS – RIGHTS OF HOMELESS STUDENTS AND STUDENTS IN FOSTER CARE.** The district's uniform complaint procedures cover complaints pertaining to the education of homeless and students in foster care, including, but not limited to, a school district's failure to:
 - a) Allow a foster child to remain in his/her school of origin while resolution of a school placement dispute is pending;
 - b) Place a foster child in the least restrictive educational programs and provide access to academic resources and services, and extracurricular and enrichment activities available to all students and make educational and school placement decisions based on the best interests of the child;
 - c) Provide educational services for foster children living in emergency shelters;
 - d) Designate a staff person as the educational liaison for foster children. The educational liaison must ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and assist foster children when transferring from one school or district to another by ensuring the proper transfer of credits, records and grades;
 - e) Compile and transfer the complete educational record, including full or partial credits earned and the current classes and grades, of a transferring foster child to the next educational placement;
 - f) Ensure the proper and timely transfer between schools of students in foster care;
 - g) Within two business days of receipt of a transfer request or notification of enrollment from the new local educational agency, transfer the student and deliver the student's complete educational information and records to the next educational placement;
 - h) Ensure that no lowering of grades will occur as a result of a foster student's absence due to a change in placement by a court or placing agency, or due to a verified court appearance or related court activity;
 - i) Within 30 days of a foster and homeless student's transfer, after the completion of the second year of high school, the student must be notified that they may be exempt from local graduation requirements and that this exemption continues after the court's jurisdiction over a foster child ends or when a homeless student is no longer homeless;
 - j) Accept coursework satisfactorily completed by a homeless student or student in foster care while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency, even if the student did not complete the entire course; and for failing to issue full or partial credit for the coursework completed;

- k) School districts may not require that a homeless student or a student in foster care retake a course if the student has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. If the student did not complete the entire course, the school district may not require that the student retake the portion already completed, unless the school district, in consultation with the holder of the student's educational rights, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the student must be enrolled in the same or equivalent course in order to continue and complete the entire course;
- l) A student in foster care or a homeless student may not be prevented from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California;
- m) Exempt a homeless or student in foster care transferring between schools at any time after the completion of his/her second year of high school from all coursework and other requirements adopted by the district's governing board that are in addition to the statewide coursework requirements for graduation found in Education Code section 51225.3, unless the district makes a finding that the student is reasonably able to complete the district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school;
- n) If the school district determines that a student in foster care or a homeless student is reasonably able to complete the district's graduation requirements within the student's fifth year of high school, the district must do all of the following: (a) inform the student of his/her option to remain in school for a fifth year to complete the school district's graduation requirements; (b) inform the student, and the person holding the right to make educational decisions for the student, about how remaining in school for a fifth year to complete the school district's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution; (c) provide information to the student about transfer opportunities available through the California Community Colleges; (d) upon agreement with an adult student or upon agreement with the person holding the right to make educational decisions for a student under 18 years of age, permit the student to stay in school for a fifth year to complete the school district's graduation requirements;
- o) Within 30 calendar days of the school transfer, the school district must notify a student in foster care or a homeless student who may qualify for the exemption from local graduation requirements, the person holding the right to make educational decisions for the student, the foster student's social worker or probation officer, and, in the case of homeless students, the school district's liaison for homeless students, of the availability of the exemption from local graduation requirements and whether the student qualifies for the exemption;
- p) If a student in foster care or a homeless student is exempted from local graduation requirements and completes the statewide graduation coursework requirements in Education Code section 51225.3 before the end of his/her fourth year of high school and that student would otherwise be entitled to remain in attendance at the school, the school district may not require or request that the student graduate before the end of his/her fourth year of high school;
- q) If a student in foster care or a homeless student is exempted from local graduation requirements, the school district must notify the student and the person holding the right to make educational decisions for the student of how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and must provide information about transfer opportunities available through the California Community Colleges;
- r) A student in foster care or a homeless student who is eligible for the exemption from local graduation requirements and who would otherwise be entitled to remain at the school, shall not be required to accept the exemption or be denied enrollment in, or the ability to complete, courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements;
- s) If a student in foster care or a homeless student is not exempted from local graduation requirements or has previously declined the exemption, the school district must exempt the student at any time if he/she requests and qualifies for the exemption;
- t) Once a student in foster care or a homeless student is exempted from local graduation requirements, the school district shall not revoke the exemption;

u) If a student in foster care is exempted from local graduation requirements, the exemption must continue to apply after the termination of the court's jurisdiction over the student while he/she is enrolled in school or if the student transfers to another school or school district;

v) If a homeless student is exempted from local graduation requirements, the exemption must continue to apply after the student is no longer homeless while he/she is enrolled in school or if the student transfers to another school or school district; and

w) A school district may not require or request that a student in foster care or a homeless student transfer schools in order to be exempted from local graduation requirements.

A complainant not satisfied with the district's decision may appeal to the CDE and receive a written decision from the CDE within 60 days. (Ed. Code §§ 48853, 49069.5, 51225.1, 51225.2.)

7. UNIFORM COMPLAINTS – ASSIGNING STUDENTS TO COURSE PERIODS WITHOUT EDUCATIONAL CONTENT.

Beginning with the 2016-2017 school year, school districts may not assign students in grades 9-12 to course periods without educational content for more than one week in any semester without written parental consent and related documentation. "Course periods without educational content" are defined to include course periods where: (1) a student is released early from school; (2) the student is assigned to a service, instructional work experience or to a course to assist a certificated employee, but is not expected to complete curricular assignments; or (3) where the student is not assigned to any course during the class period.

School districts are also prohibited, without written parental consent and related documentation, from enrolling 9-12th graders in classes they have previously completed and received a grade that is satisfactory to receive a high school diploma and to attend a California public institution of postsecondary education. Non-compliance complaints may be filed under the District's Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal to the CDE and receive a written decision from the CDE within 60 days. (Ed. Code §§ 51228.1, 51228.2, and 51228.3.)

8. UNIFORM COMPLAINTS – ELEMENTARY SCHOOL PHYSICAL EDUCATION INSTRUCTIONAL MINUTES.

Students in an elementary school maintaining grades 1-8 are required to receive at minimum, 200 minutes of physical education instruction each 10 school days, exclusive of recesses and lunch periods. Complaints regarding a school district's failure to comply with these physical education instructional minute requirements may be filed under the District's Uniform Complaint Procedures. Complainants not satisfied with the District's decision may appeal to the CDE and receive a written decision from the CDE within 60 days. (Ed. Code §§ 51210 and 51223.)

9. UNIFORM COMPLAINTS – LACTATION ACCOMMODATIONS FOR PARENTING STUDENTS.

School districts must provide reasonable accommodations to lactating students on school campuses to express breast milk, breastfeed an infant child or address other needs related to breastfeeding. A student may not incur an academic penalty as a result of her use of reasonable lactation accommodations and must be provided an opportunity to make up any work missed due to such use. A complaint of noncompliance with this provision may be filed under the District's Uniform Complaint Procedures. Complainants not satisfied with the school district's decision may appeal to the CDE and receive a written decision within 60 days. (Ed. Code § 222(f).)

F. MISCELLANEOUS

- 1. NON-DISCRIMINATION WITH RESPECT TO DISABLED INDIVIDUALS.** Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act prohibit discrimination against qualified disabled individuals in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. Please contact the Director of Technology and Special Projects with any questions or concerns. (34 CFR § 104.8; 28 CFR § 35.106.)
- 2. SCHOOL ACCOUNTABILITY REPORT CARDS.** You may request a copy of the School Accountability Report Card, which is issued annually for each school in the District. To do so, please contact the school principal. (Ed. Code § 35256.)

3. **ASBESTOS.** You may request to review the complete updated management plan for asbestos containing material in school buildings. To do so, please contact the school principal or the Director of Business Services at the District Office. (40 CFR § 763.93.)
4. **TEACHER QUALIFICATIONS.** Parents have a right to request information regarding the professional qualifications of their child's teacher. (2001 No Child Left Behind Act, 20 U.S.C. § 6311(h)(6).)
5. **INTERNET ACCESS POLICY.** To review Board Policy 6163.4 - Student Use of Technology which pertains to student internet access.
6. **AUDIO RECORDING WITHOUT CONSENT.** Students may not use electronic listening or recording devices in class without the prior consent of their teacher and the principal. (Ed. Code § 51512.) (Penal Code § 632.)

NOTE: You may request policies or additional information on any of the above items by contacting the principal at each school site or the Superintendent's office.

*** Additional information, policies or notices will be provided when such activity takes place or before the particular subject is taught.**

Students

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student has been admitted through an interdistrict attendance option, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)

(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)

Residency Based on Parent/Guardian Employment (Allen Bill Transfers)

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of

Students (continued)

the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Governing Board.
3. Other circumstances exist that are not arbitrary.

Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency

Students (continued)

7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552 (cf. 5141 - Health Care and Emergencies)

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools.

(Education Code 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

(cf. 3580 - District Records)

Regulation

as of: April 1, 2007

revised: March 14, 2012

revised: November 9, 2015

revised: February 24, 2016

CARMEL UNIFIED SCHOOL DISTRICT

Carmel, California

Students

INTERDISTRICT ATTENDANCE

BP 5117

Status as Basic Aid District

The district is a community-funded ("basic aid") school district, unlike most other school districts in the state, and as such, the state does not provide funding to the district to educate children who reside in other school districts. As a result, the enrollment of out-of-district students reduces the educational resources available for resident students and increases class size. It is therefore the district's general policy not to accept interdistrict transfer students who might otherwise be allowed to enroll under Education Code 46600 et seq. or 48350 et seq.

School District of Choice

The district elects not to be a "school district of choice" as defined in Education Code 48300 through 48316, and no transfers will be accepted pursuant to Education Code 48300 et seq.

Transfer Requests

The Board of Education delegates to the Superintendent or designee the authority to grant or deny interdistrict transfer requests. The Superintendent or designee may make exceptions to the district's general policy to deny interdistrict attendance requests in any of the following situations:

1. Children of District Employees

A child seeking enrollment in a district elementary, middle or high school, whose parent/legal guardian residing outside of the district is employed as a regular employee of the district, may be enrolled for so long as the parent/legal guardian maintains district employment.

Once admitted in compliance with these conditions, and so long as the parent/legal guardian maintains employment within the district, the student is deemed a resident and not required to reapply in subsequent years. (84 Ops .Cal. Atty. Gen. 198 (2001).)

As used in this policy, a "regular employee" of the district is defined as:

- a. A certificated employee of the district who works for the district for at least 10 months per year;
- b. A classified employee as defined by Education Code 45103. The definition of classified employee does not include substitute or short-term employees, employed and paid for less than 75 percent of a school year, defined as 195 working days, including holidays, sick leave, vacation and other leaves of absence, irrespective of number of hours worked per day. The definition of classified employee also does not include part-time playground positions, apprentices, or professional experts employed on a temporary basis for a specific project, regardless of length of employment;
- c. A regular employee terminated due to layoff who has reemployment rights, provided that the

child in question has been continuously enrolled and maintained regular attendance in a K-12 district school.

2. Severe Educational Hardship

In cases where severe educational hardship will directly result from the denial of interdistrict attendance; provided that (1) permitting the interdistrict attendance will not adversely impact district class size or otherwise result in substantial cost to the district, and (2) that interdistrict attendance for the individual student is approved by the student's district of residence. Examples of the rare circumstances which might warrant approval of interdistrict attendance are as follows:

- a. When a student has been legitimately enrolled as a resident and maintained continuous attendance in a Carmel Unified School District school for more than a year and, if otherwise required to change districts, would suffer severe hardship due to personal circumstances such as a terminal illness in the student's immediate family.
- b. A student who has a documented case of having suffered and/or is under the imminent threat of suffering a serious violent assault or sexual abuse at the student's district of residence, and this district would be the best alternative district for the student.

Interdistrict attendance will not be permitted solely to maintain stability or continuity for students as a result of parental separation or divorce, or where reasonable attendance options in another district exist for the student. The district Superintendent may require any evidence he or she deems necessary to verify a student's circumstances as a precondition for considering any request.

3. Victims of Bullying

At the request of a parent or guardian, priority consideration of an interdistrict transfer request under any existing interdistrict agreement shall be given to students who have been determined by personnel of either the district of residence or this district to have been the victim of bullying as defined in Education Code 48900, subd. (r). In the absence of an interdistrict agreement such a student shall be given additional consideration for the creation of an interdistrict attendance agreement. (Education Code 46600)

4. Mid-Year Change of Residency

If the student has been legitimately enrolled as a resident and maintained continuous attendance in the district, moves out of the district and notifies the district of the change of residency, the student may apply for an interdistrict transfer agreement to allow the student to remain until the end of the current trimester, semester, or school year.

5. Low Average Enrollment of Neighboring District

When the school district of residence is contiguous to the boundaries of the district and the average enrollment per grade level is seven or fewer students, in the district of residence and the

district superintendent determines that permitting the transfer will not adversely impact district class size or otherwise result in substantial cost to the district.

6. Completion of Senior Year

If the student has successfully completed his or her junior year at a district high school as a resident, the student may apply for an interdistrict transfer agreement to allow the student to complete his or her senior year at the same district high school. Such interdistrict transfers shall only be granted to students who:

- a. Are in good academic standing, defined herein as having at least a 2.00 Grade Point Average through the end of his or her junior year;
- b. Have completed sufficient units to be reasonably within reach of earning a diploma by the end of his or her senior year; and
- c. Do not have a record of serious misbehavior resulting in the imposition of student discipline.
- d. Do not have a record of excessive tardies and/or classification as a habitual truant
- e. Have completed a residency affidavit affirming that they have resided within district boundaries through the end of their junior year and provide supporting documentation.

An interdistrict transfer approved under this exception may be canceled during the school year due to class size, or because of unsatisfactory attendance, academic progress towards graduation or student behavior.

7. Open Enrollment Act Transfers ("Romero Bill" Transfers)

An out-of-district student attending a school that is one of the state's 1,000 lowest performing schools, as identified on the Academic Performance Index ("API"), identified by the California State Department of Education as being on the "Open Enrollment Schools List" may apply for an interdistrict transfer by completing the application and review process as outlined in district Board Policy 5118 and Administrative Regulation 5118.

Updated and Accurate Information

Any student enrolled in the district pursuant to this policy shall immediately notify the district of any change in circumstances which would affect their eligibility for admittance under this policy. Failure to do so shall result in disenrollment and disqualification from future enrollment under this policy or the district's Student Residency Policy.

In no event shall interdistrict attendance be approved, and any such permission for attendance previously approved shall be immediately revoked, if false information has been provided to the district in the child's transfer application or in any initial or subsequent claim of residency to the district.

If false information is provided to the district for the purpose of enrolling a student or if the parent(s)/guardian(s) do not immediately notify the district of a change to their district of residence, parent(s)/guardian(s) shall be held liable for the expense to the district of investigating the child's residency.

Initial Requests

The Director for Student Services may deny initial requests for interdistrict attendance permits if school facilities are overcrowded at the relevant grade level, if such transfer into the District would require the employment of an additional employee or based on other considerations that are not arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

Within 30 days of the receipt of a request for an interdistrict permit, the Director for Student Services shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal.

Annual Re-enrollment

Unless otherwise specified by law, students admitted to the district as interdistrict transfers must apply for readmission to the district prior to each school year.

An interdistrict attendance permit shall not exceed a term of five years. Each permit shall stipulate the terms and conditions established by both districts under which interdistrict attendance shall be permitted, denied, or revoked, and any standards for reapplication. (Education Code 46600)

Once a student is enrolled in a school, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the permit. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Appeal Process

An appeal to the Superintendent must be filed within 10 calendar days of the date listed on the denial by the Director for Student Services. The parent/guardian(s) will be offered an opportunity to meet with the Superintendent within 10 calendar days after the appeal was filed. The Superintendent will give his/her decision, in writing, to the parent/guardian(s) within 20 calendar days after their meeting. Except in cases where good cause is shown, the record shall not be reopened to consider evidence or argument which was not presented in the initial interdistrict transfer request.

If denied, an appeal to the Board must be filed within 10 calendar days of the date listed on the written denial by the Superintendent. Within 30 calendar days after the appeal was filed, excluding the month of July, the Board will conduct a hearing. The decision of the Board shall be reduced to writing and sent to the parents within two weeks of the hearing. If the Board denies the appeal, the

Superintendent or designee shall advise the person requesting the interdistrict transfer regarding the process for appeal to the County Board of Education as specified in Education Code 46601.
(Education Code 46601)

Revocation of Permits

Interdistrict permits may be revoked at any time during the school year for any of the following reasons:

1. Appropriate and sufficient space and/or funding is unavailable in the existing class, school, specialized program or district as determined by the Superintendent or designee.
2. A student disrupts the learning environment. This may include excessive absences, tardiness, or disciplinary incidents.
3. A student has adjustment problems and/or the welfare of the student or other students is compromised or endangered.
4. Violation of school or district rules and/or procedures.
5. The conditions of eligibility under which the permit was originally granted do not remain in effect.
6. A parent/guardian has made false statements or misrepresentations in applying for or maintaining the permit or in previously establishing or maintaining resident enrollment in the district.

(cf. 5145.6 - Parental Notifications)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional occupational center/program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

CSBA PUBLICATIONS

Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

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

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

Policy

adopted: November 27, 2006

revised: March 14, 2012

revised: December 12, 2012

revised: August 14, 2013

revised: August 27, 2014

CARMEL UNIFIED SCHOOL DISTRICT

Carmel, California

INTRADISTRICT OPEN ENROLLMENT

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5) This policy shall also apply to students who are enrolled in the District by virtue of interdistrict transfers.

(cf. 5111.1 - District Residency)

(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

Priority for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)
2. If while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912, 5 CCR 11992)
3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm, threats to the emotional stability of the student, or cases where severe educational hardship will directly result from the denial of intradistrict attendance. Examples of the rare circumstances which might warrant approval of intradistrict attendance include:
 - a. a student who, if otherwise required to change schools, would suffer serious emotional or physical disruption due to personal circumstances such as a terminal illness in the student's immediate family
 - b. a student who has suffered and/or is under the imminent threat of suffering a violent assault or sexual abuse at the student's school of residence.

INTRADISTRICT OPEN ENROLLMENT (continued)

Intradistrict attendance will not be permitted solely to maintain stability or continuity for students as a result of parental separation or divorce, or where reasonable attendance options in another school within the district exist for the student. The district Superintendent may require any evidence necessary to verify a student's circumstances as a precondition for considering any request.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist; or
 - b. A court order, including a temporary restraining order and injunction.
4. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.
 5. Priority shall be given to siblings of students already in attendance in that school.
 6. Priority shall be given to students of families who have continuously resided since before June 3, 2011, in the attendance area between Carmel Middle School and Valley Green Drive affected by District's elementary school boundary adjustment.
 7. Priority shall be given to students whose parent/guardian is employed at other sites in the District as his/her primary place of employment. Full-time employees shall have priority over part-time employees.

The Board of Education retains the authority to maintain appropriate racial and ethnic balances among district schools. (Education Code 35160.5)

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

If a school is impacted by excessive enrollment, intradistrict transfer students may be transferred to the school within their attendance area; or, for employee interdistrict transfer students, to another site within the District. Priority for such transfers will be defined in regulations.

INTRADISTRICT OPEN ENROLLMENT (continued)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

Transportation

Except as required by 20 USC 6316, for transfers out of Title I program improvement schools, and as otherwise required by law, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds. Priority for any such transportation shall be based on demonstrated financial need.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

(cf. 6173 - Education for Homeless Children)

Legal Reference: (see next page)

INTRADISTRICT OPEN ENROLLMENT (continued)

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 *Ops. Cal. Atty. Gen.* 95 (2002)

Management Resources:

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

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

California Department of Education, *Unsafe School Choice Option*:

<http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, *No Child Left Behind*: <http://www.nclb.gov>

INTRADISTRICT OPEN ENROLLMENT**Transfers for Victims of Violent Crimes and from Persistently Dangerous Schools**

Within a reasonable amount of time, not to exceed 10 school days, after a student becomes the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

Within 10 school days after learning that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 20 school days after learning of the school's designation, the Superintendent or designee shall notify parents/guardians of their option to transfer.

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide written notification to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed 10 school days, for the submission of parent/guardian requests.

The Superintendent or designee shall notify parents/guardians of their school assignment within 10 school days of the date that submissions are due. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. Upon assignment, the transfer shall be completed as soon as practicable. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Agreements)

INTRADISTRICT OPEN ENROLLMENT (continued)

Other Application for Intradistrict Enrollment

To implement intradistrict open enrollment pursuant to Education Code 35160.5

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at the district office.
2. Students of parents/guardians who are employed by the district may apply by November 1. Students of parents/guardians who submit applications to the district by December 1 shall be eligible for admission to their school of choice the following school year under the district's open enrollment policy.
3. Enrollment in the school of choice shall be determined according to the priorities listed in Board Policy 5116.1 and then by lot from the eligible applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year.
4. The Superintendent or designee shall inform applicants by mail as to whether their applications have been approved, denied or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
5. Approved applicants must confirm their enrollment within 10 school days.

Re-Enrollment and Transfer

Once enrolled, a student shall not be required to apply for readmission. However, the student may be subject to displacement due to excessive enrollment. If a school is impacted due to excessive enrollment, intradistrict transfer students from outside that school's attendance area may need to be transferred to the school within the student's attendance area; or, for employee interdistrict transfer students, to another site within the District. Priority for such transfers will be based on the following criteria (listed from highest to lowest priority). Students in the lowest priority areas would be transferred first.

1. Students of full-time employees employed at the impacted school;
2. Intradistrict students whose parent/guardian is not employed by the District;
3. Students of part-time employees employed at the impacted school;
4. Students of full-time employees employed elsewhere in district;
5. Students of part-time employees employed elsewhere in district.

INTRADISTRICT OPEN ENROLLMENT (continued)

If needed, the following tie-breakers will be applied in the order listed:

- a. Length of time student has been enrolled in the school;
- b. Whether a family has a sibling who would otherwise remain at the impacted school;
- c. Selection by lot.

For intradistrict students affected by impacted enrollment and for intradistrict transfer applications received after January 1, the district will determine if there is capacity.

Any complaints regarding the selection process shall be submitted to the Superintendent or designee.

(cf. 1312 - Complaints Concerning the Schools)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 48980)

1. All options for meeting residency requirements for school attendance;

(cf. 5111.1 - District Residency)

(cf. 5111.13 - Residency for Homeless Children)

2. Program options offered within local attendance areas;
3. A description of any special program options available on both an interdistrict and intradistrict basis;
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied;
5. A district application form for requesting a change of attendance;
6. The explanation of attendance options under California law as provided by the California Department of Education.

Regulation
as of: November 27, 2006
revised: June 29, 2010

CARMEL UNIFIED SCHOOL DISTRICT
Carmel, California