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THE LEGAL UPDATE

May 19, 2005

To: Superintendents, Member School Districts (K-12)

From: Elizabeth B. Mori, Assistant General Counsel

Subject: Annual Notice to Parents
Memo No. 5-2005

Consistent with Education Code Section 48980 and other state and federal laws which require districts to annually notify students, parents, and guardians of their legal rights and responsibilities, attached is a form Annual Notice to Parents appropriate for use for the 2005-2006 school year.

Updated information included for this year:

- Notification that individual student records pertaining to student participation in any free or reduced-price meal program may be used by school district employees to identify students eligible for public school choice and supplemental educational services pursuant to the federal No Child Left Behind Act. (*See* "Student Services" section and notice concerning "Pupil Nutrition/Notice of Free and Reduced-Price Meals (EC §§48980(b), 49510, 49520 and 49558)").
- Notification that students may carry and self-administer prescription auto-injectable epinephrine upon the school's receipt of specified written confirmation and authorization from the student's physician, surgeon and parent/guardian. (*See* "Student Services" section and notice concerning "Medication (EC §49423)").
- Notification that instruction in comprehensive sexual health education/HIV and AIDS prevention may be taught by personnel or by outside consultants either in class or during an assembly. (*See* "Sex/HIV/AIDS Education" section and notice concerning

“Instruction in Comprehensive Sexual Health Education/HIV and AIDS Prevention (EC §51938)”.

- Notification that upon written request of a parent or guardian, students shall be excused from the part of any school instruction in health if that instruction conflicts with the religious training and beliefs of the parent/guardian. (See “Sex/HIV/AIDS Education” section and notice concerning “Health Instruction/Conflicts with Religious Training and Beliefs (EC §51240)”).

As always, part of each district’s obligation to parents, guardians and students includes transmittal of additional district-specific documents along with this notification including:

- ✓ Your district’s policy on sexual harassment
- ✓ Your district’s policy on Internet/online use
- ✓ A listing of all pesticides that will be used at each school site in your district (including the Internet address developed by the Department of Pesticide Regulation pursuant to Food and Agricultural Code §13184 for access to information on pesticides and pesticide use reduction, and the parent option to register to receive notification of individual pesticide applications at the school facility)
- ✓ The schedule of all minimum and pupil-free staff development days for your district (school calendar)
- ✓ Your district’s policy on parent classroom visits

Accordingly, please be sure to include such information in your mailing to parents.

Again, state and federal law requires that many documents and other information also be made available to parents/guardians upon request, including, but not limited to, district Uniform Complaint Procedures, each school’s Prospectus of School Curriculum and district non-discrimination policies. In satisfaction of these requirements, the 2005-2006 Annual Parent Notice provides that such information may be obtained either from the child’s school or the district office (as appropriate). Accordingly, please review the notice carefully to ensure that your district’s policies and procedures are consistent.

For districts that may be receiving Title I and/or any other federal funds, please note that the annual notice to parents is not intended to satisfy other specific notification obligations you may have under federal law, including the No Child Left Behind Act. Although the annual notice to parents does contain some parent notifications in satisfaction of NCLB, the scope of such notice is limited to providing only those notices universally required of all districts. Districts should consult with their Title I and other special program coordinators as well as School and College Legal Services with respect to any additional notifications that may be required.

Please feel free to call or email if you have any further questions.

EBM:

Enclosure