

2021 Updates: Annual Notice of Parental Rights and Responsibilities

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As school districts and county offices of education prepare to update their parental annual notices (Annual Notice) for the upcoming school year, they should be aware of two mandatory changes to Annual Notices for 2021 concerning the transfer rights of bullying victims and Uniform Complaint Procedures, as well as new annual notification and posting requirements for school districts and county offices operating California state preschool programs.

Mandatory Annual Notice Changes

Expanded Transfer Rights for Victims of Bullying (Assembly Bill 1127 and Education Code section 46600)

School districts of residence are now required to approve a request from a victim of bullying to attend another school within that district. If the requested school is at capacity, the district of residence must accept a request for an alternate site. If the district has only one school offering the grade level of a student who is the victim of bullying leaving no option for an intradistrict transfer, the student may apply for an interdistrict transfer. In that case, the school district of residence may not prohibit the transfer if the school district of proposed enrollment approves the student's application for transfer. Because Education Code 48980, subdivision (g), requires that Annual Notices include a description of all existing statutory and local attendance options, this information regarding the ability to transfer for victims of bullying should be included in Annual Notices for 2021. For more information, please see [Client News Brief Number 74 for 2020](#).

Uniform Complaint Procedures No Longer Cover Complaints Regarding Special Education, Child Nutrition Programs, Williams Complaints, and State Preschool Health and Safety Issues

Effective July 1, 2020, complaints regarding special education, child nutrition programs, Williams Complaints, and state preschool health and safety issues in school districts, county offices of education, and charter schools (LEAs) that are exempt from licensing, may no longer be brought under the Uniform Complaint Procedures (UCP). Each of

these categories of complaints are processed through existing or new procedures found in federal or California regulations. For further details regarding these changes, please see [Client News Brief Number 77 for 2020](#).

LEAs will need to review and update their Uniform Complaint policies and procedures to reflect these changes and may need to develop separate complaint forms for Special Education, Child Nutrition Programs, Williams Complaints, and State Preschool Health and Safety Complaints.

Related Requirements

Additional Annual Notification and Posting Requirements for California State Preschool Programs

- Annual Notification: If applicable, LEAs must clearly indicate which of their California state preschool programs are operating as exempt from state licensing and which are not. We recommend that this information be included in the Annual Notice.
- Posting Notice in Preschool Classrooms: A notice must be posted in all California state preschool program classrooms operating as exempt from state licensing, notifying parents, guardians, students, and teachers of **both** of the following:
 1. The health and safety requirements under title 5 of the California Code of Regulations that apply to California state preschool programs, namely:
 - Outdoor shade that is safe and in good repair;
 - Drinking water that is accessible and readily available throughout the day;
 - Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children;
 - Restroom facilities that are only available for preschoolers and kindergartners;
 - Visual supervision of children at all times;
 - Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time;
 - Playground equipment must be safe, in good repair, and age appropriate; and
 2. Where a complaint form may be obtained, or, if available, provide a link to the downloadable complaint form from the CDE's website.

Lozano Smith regularly reviews and updates Annual Notices for school districts and county offices of education around the state. Please contact one of the authors of this Client News Brief or an attorney at one of our eight offices located statewide if you would our assistance in updating your Annual Notice, or if you have any questions about the new complaint processing or state preschool notification and posting requirements. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#) or download our [mobile app](#).

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.