

# CLIENT NEWS BRIEF

## 2017 Annual Notice of Parental Rights and Responsibilities Updates

California school districts and county offices of education are required annually, at the beginning of each school year, to provide written notice of parental rights and responsibilities. Lozano Smith continuously tracks legislation impacting these notices. The following summarizes changes in California law requiring updates for the 2017-2018 annual notice.

### **Excused Absence to Attend Student's Naturalization Ceremony**

Assembly Bill (AB) 1593 amended Education Code section 48205, adding a student's attendance at their naturalization ceremony to the list of authorized excused absences, which is statutorily required to be included in the annual notice. (Ed. Code, § 48980, subd. (a).) ([See 2016 Client News Brief No. 48.](#))

### **Residency for Children of Military Service Members**

Senate Bill (SB) 1455 provides that a student complies with a school district's residency requirements for school attendance if the student's parent is transferred or is pending transfer to a military installation within the boundaries of the school district while on active military duty pursuant to an official military order. In such circumstances, districts must accept applications by electronic means for enrollment, including enrollment in a specific school or program within the district, and for course registration. In this situation, the parent must provide proof of residency within 10 days after the published arrival date provided on official documentation. This annual notice provision only applies to school districts that have military installations within their boundaries. (Ed. Code, §§ 48204.3, 48980, subd. (h).) ([See 2016 Client News Brief No. 70.](#))

### **Graduation Requirements for Former Juvenile Court School Students/Student's Right to File a Uniform Complaint**

AB 2306 amended Education Code section 51225.2 to enable former juvenile court school students, who have transferred into a school district from a juvenile court school after their second year of high school, to earn their high school diplomas more quickly. School districts and county offices must exempt these students from local graduation requirements that exceed state requirements and grant such students credit for courses taken while in juvenile court school. AB 2306 also allows juvenile court school students to file complaints of noncompliance under the school district or county office's Uniform Complaint Procedures. This change in the law impacts annual notice requirements relative to the Uniform Complaint Procedures. ([See 2016 Client News Brief No. 70.](#))

### **Transfer of Student Convicted of a Violent Felony or Misdemeanor**

SB 1343 allows school district governing boards to adopt a policy to transfer students who have been convicted of violent felonies and designated

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misdeemeanors to another school within the district, if the offending student and the victim of the crime are enrolled at the same school and if certain requirements are satisfied. If a school district adopts such a policy, it must include notice of the policy in its annual notice. This provision applies to school districts, but not to county offices. (Ed. Code, §§ 48929 and 48980, subd. (n).)

## **Cal Grant Program/Student Opt-Out Deadlines**

AB 2908 enacted new deadlines for students and parents and guardians to opt out of the Cal Grant program. Districts must now give written notice annually, by January 1, to 11th graders and to their parents, that students will be automatically deemed Cal Grant applicants unless the student, or the student's parent or guardian if the student is a minor, opts out by a deadline, which may not be less than 30 days from the date of the notice. (Ed. Code, § 69432.9, subd. (d)(1).)

## **Anti-Seizure Medication Administration**

Former Education Code section 49414.7 allowed the parents of students with epilepsy who have been prescribed an emergency anti-seizure medication to request that their child's school have one or more of its employees receive voluntary training in the event that their child suffers a seizure when a nurse is not available. Although Education Code section 49414.7 was repealed by its own terms on January 1, 2017, parents still have the right to request assistance with the administration of medication, including prescribed emergency anti-seizure medication, to their children under Education Code section 49423. Parents must provide their written authorization and a note from a physician, surgeon or physician's assistant with instructions for administering the medication. Districts and county offices of education should contact their legal counsel regarding whether these developments and the current state of the law on this subject require revision to their annual notice.

## **Language Acquisition Programs**

California voters approved Proposition 58 in November 2016. This proposition repealed most of [Proposition 227, the "English in Public Schools" ballot initiative](#), which generally required English learners to be taught in English and restricted the use of bilingual programs. Under Proposition 58, schools are no longer required to teach English learners in English-only programs, and may use a variety of programs, including bilingual programs, to teach their English learners.

Effective July 1, 2017, Education Code section 310 will require that when the parents or guardians of 30 or more students in a school, or the parents or guardians of 20 or more students in any grade level at a school, request a language acquisition program, the school must offer the language acquisition program to the extent possible once various requirements are met, such as the program having been established with parental, school employee and community input.

If a district implements a language acquisition program pursuant to Education Code section 310, parents and guardians must receive notice, either as part of the school district's annual notice or upon enrollment, containing a description of the types of language acquisition programs available to district students. This notice requirement takes effect on July 1, 2017.

We recommend that school districts and county offices of education review and update as necessary their annual notices of parental rights and responsibilities each year. Lozano Smith regularly assists in updating annual notices. For questions regarding any of the required changes discussed above, or annual notice requirements or review in general, please contact the authors of this Client News Brief or an attorney at one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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