

**EVERGREEN SCHOOL DISTRICT**  
**NOTIFICATION OF RIGHTS OF PARENTS AND STUDENTS**

The "Family Educational Rights and Privacy Act of 1974" (FL 93-380) requires that parents, legal guardians, and eligible 18-year old students have the right to inspect and review any and all official records, files, and data directly related to the student. These include all materials that are incorporated into each student's cumulative record folder; specifically including, but not necessarily limited to identifying data, academic work completed, level of achievement, attendance data, scores on standardized and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns. Alleged violations of this act may be reported to the United States Department of Health, Education and Welfare.

**Maintenance of Records (E.C. 49064):** A log shall be maintained for each pupil's record which lists all persons or organizations requesting or receiving information from said record. Requests for access to the log should be directed to the school principal.

**Charge for Records (E.C. 49065):** The school district may make a reasonable charge in an amount not to exceed the actual cost of furnishing copies of any pupil record.

**Grades (E.C. 49066):** The grade given to each pupil shall be the grade determined by the teacher and, in the absence of mistake, fraud, bad faith, or incompetence, shall be final. Failure to wear standardized physical education apparel, which arises from circumstances beyond the control of the pupil, shall not adversely affect said pupil's grade.

**Pupil's Progress (E.C. 49067):** Each school district shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period and requiring a conference with, or a written report to, the parent of each pupil whenever it becomes evident to the teacher that the pupil is in danger of failing a course. The refusal of the parent to attend the conference, or to respond to the written report, will not preclude failing the pupil at the end of the grading period.

**Transfer of Records (E.C. 49068):** Any school district requesting transfer of a pupil's record for purposes of enrollment shall notify the parent of his/her right to receive a copy of the record and to challenge the content of the record.

**Inspection of Records (E.C. 49069):** Pupil records are available for review during regular school hours. Request for access should be directed to the school principal and must be granted within five days following the date of the request.

**Written Request for Removal of Records (E.C. 49070):** Following inspection and review of a pupil's record, the parent may file a written request with the superintendent of the district to remove any information which the parent alleges to be inaccurate, misleading, or inappropriate.

**Hearing on Request to Remove Information (E.C. 49071):** A district superintendent or governing board may convene a hearing panel to analyze the parental request for the removal of pupil-related information provided that the parent has given written consent for release of said information to the members of the panel.

**Parent's Statement Regarding Disciplinary Action (E.C. 49072):** Whenever information concerning any disciplinary action is included in a pupil's record, the school district shall allow the pupil's parents to include a written statement or response concerning the disciplinary action.

**Directory Information (E.C. 49073):** Directory information, which includes one or more of the following items: student's name, address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student may be released according to local policy for any pupil or former pupil, provided that notice is given annually of the categories of information to be released and of the recipients of said information. No directory information shall be released regarding any student when a parent has notified the school district that such information shall not be released.

**Release of Statistical Data (E.C. 49074):** A school district may release statistical data when such action would be in the best educational interests of pupils and provided that no pupil may be identified.

**Release of Records (E.C. 49075):** A school district may permit access to pupil records to any person for whom the parent of the pupil has executed written consent specifying the records to be released and identifying the party to whom the records may be released. The recipient may be notified that the transmission of the information to others is prohibited. The consent notice shall be permanently kept with the pupil's record file.

**Access Without Written Consent (E.C. 49076, 49077, 49078):** School personnel with legitimate educational interests, schools of intended enrollment, specified federal and state educational administrators, and those who provide financial aid, are entitled access to pupil records without parental consent. Access may also be obtained without parental consent pursuant to court order.

**Released Time for Religious Education Programs (E.C. 46014):** Pupils, with the written consent of their parents, may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place(s) away from school property designated by the religious group, church, or denomination.

**Immunizations (E.C. 49403):** The district must cooperate with local health officials in measures necessary for the prevention and control of communicable diseases in school age children. Parents must have proof of student immunizations prior to completed enrollment.

**Temporary Disability (E.C. 48027.8 and 48206.3):** If a child has a temporary disability and is in a hospital, or other residential health facility excluding a state hospital, which is located outside the district in which the pupil's parent resides, it is the parent's responsibility to notify the school district in which the hospital is located, of the pupil's presence. Individualized instruction is available for any pupil with a temporary disability which makes attendance in the regular day classes or alternative education program, in which the pupil is enrolled, impossible or inadvisable.

**Medication (E.C. 49423):** The school nurse, or other designated school personnel, will assist any pupil who is required to take (during the regular school day) medication prescribed for him/her by a physician, but only if the district receives: (1) a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken, and (2) a written statement from the parent indicating the desire that the district assist the pupil in the matters set forth in the physician's statement.

**Confidential Medical Services (E.C. 46010.1):** School authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent in grades 7 through 12.

**Sex Education (E.C. 51240):** Whenever any part of the instruction in health, family life education, or sex education conflicts with the religious training and beliefs of the parents, they may request in writing that the pupil be excused from that part of such instruction. In addition, before sex education may be taught to a student in school, the parents must be informed and given the opportunity to request, in writing, that their child does not attend the class. Such requests shall be valid for the school year, in which they are submitted, but may be withdrawn by the parent at any time. Parents have the right to inspect/review in advance any written or audio-visual material to be used in such a course.

**Comprehensive Sexual Health Education and HIV/AIDS Prevention Education (E.C. 51938, 51933, 51934):** Parents may request in writing that their child not receive comprehensive sexual health education or HIV/AIDS prevention education. Parents may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Every child's parent will be notified prior to the commencement of any comprehensive sexual health and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified.

**Student Sexual Harassment:** Sexual harassment of any kind is strictly prohibited by policy of the Evergreen School District. The policy prohibits sexual harassment of any student by another student, an employee or other person at school, or at a school-sponsored or school-related activity. Any student who engages in sexual harassment is in violation of this policy and shall be subject to disciplinary action. Policy and procedures for reporting sexual harassment in English, Spanish, and Vietnamese will be included in the September Principal's Newsletter or can be requested from the District Office.

**Special Education (E.C. 56040 et seq.):** School specialists are available to assess children with disabilities or children suspected of having a disability. If you suspect, or know of a child with a possible developmental delay or learning disability, who is not in school, or is not receiving assistance, please call the Director of Pupil Services at (408) 270-6840. If a child is an "individual with exceptional needs," special education is available at no cost to the parent.

**Special Education – Due Process:** A parent, or an educational agency, may initiate a due process hearing on any decision regarding the pupil's identification, evaluation, educational placement, or the provision of a free, appropriate public education. A request for a hearing must be filed, in writing, to the State Superintendent of Public Instruction and to the Evergreen School District. Additional information regarding this process may be obtained by contacting the Director of Pupil Services at (408) 270-6840.

**Section 504 Rehabilitation Act:** Certain students, with medical or physical conditions, may qualify for services under Section 504 of 1973 Rehabilitation Act. Information regarding those qualifications may be obtained from the District 504 Coordinator, Director of Pupil Services, at (408) 270-6840.

**Non-Discrimination Policies and Compliance Officers:** It is the policy of the Evergreen School District not to discriminate unlawfully in its educational programs and personnel practices on the basis of ethnic group, religion, gender, color, race, ancestry, national origin, physical or mental disability, age, or sexual orientation. In the furtherance of this policy, the Evergreen School District has established a complaint procedure for parents, students, and employees to redress complaints concerning any of the matters listed above. The forms and procedures for pursuing such a complaint are available at the District Office, 3188 Quimby Road, San Jose, CA in the office of the Superintendent, who is the Compliance Officer for all matters. The telephone number to reach the Compliance Officer is (408) 270-6800. Policy and procedures for reporting discrimination complaints in English, Spanish, and Vietnamese will be included in the September Principal's Newsletter.

**Notice of Uniform Complaint Policy:** The district shall investigate and seek to resolve complaints at the local level. The district follows uniform procedures when addressing complaints alleging unlawful discrimination (within six months of the alleged occurrence), violation of civil rights guarantees, or failure to comply with state or federal law in programs for consolidated categorical aid, Indian education, migrant education, child nutrition, special education, adult education, career/vocation education, and child development. Contact the Superintendent or Director of Educational Services, if you have questions concerning noncompliance on any of the listed programs. A discrimination complaint should be filed within six months of the knowledge of the alleged occurrence. The district will respond to a written complaint within sixty days. After receiving the district's decision regarding the complaint, appeal procedures are available to the California Department of Education within fifteen days. Complainants may use any civil law remedies that may be available such as local mediation centers, legal assistance agencies, etc. (Ex. Legal Aid Society of Santa Clara). In a discrimination complaint, the complainant has the right to seek civil law remedies at least sixty days after filing an appeal to the California Department of Education.

**Asbestos-Containing Materials in Evergreen School District Buildings AHERA Annual Notification:** In response to federal regulations, a thorough inspection was performed in 1988 to identify and assess the condition of all friable and nonfriable asbestos-containing building materials (ACBM) in each of the Evergreen School District buildings. The inspection was performed according to guidelines established by the Asbestos Hazard Emergency Response Act (AHERA). Based on their rules, reinspections were performed in 1992 and 1995. Friable ACBM was found in Cadwallader, Cedar Grove, Evergreen, Holly Oak, Laurelwood, LeyVa, Quimby Oak, K.R. Smith and O.B. Whaley. However, only Laurelwood\*, LeyVa, and Quimby Oak contained friable ACBM in locations with potential exposure to students and faculty. Nonfriable ACBM was found in Cadwallader, Cedar Grove, Evergreen, Holly Oak, LeyVa, Quimby Oak, K.R. Smith, and O.B. Whaley. The large majority of ACBM found in the district was located in boiler rooms, mechanical rooms, storage areas, and other locations not normally accessed by students or teachers. No ACBM of any kind was found in the District Offices, Corporation Yard, Millbrook, Montgomery, Norwood Creek, Rouleau Children's Center, Dove Hill or Chaboya Schools.

Evergreen School District has prepared an Asbestos Management Plan, which has guidelines on monitoring areas with ACBM. This Management Plan recommends the maintenance of all ACBM in a safe, nonhazardous condition. Any removal will be determined by the condition of the ACBM and available funding.

The District Management Plan was submitted to the State agency responsible for administering AHERA (Office of Local Assistance). The implementation of the plan was initiated prior to July 9, 1989. A copy of each school's plan is available at the site office.

\*The asbestos-containing material was removed from Laurelwood in the summer of 1990.

**Student Discipline (E.C. 35291):** District and School rules pertaining to student discipline are available to parents or guardians of district students in the school office.

**School Choice Program – Student Enrollment:** AB1114 mandated that all California school districts offer parents an opportunity to select the district school their child will attend, if space is available at the requested school. This option is referred to as the School Choice Program. All parents of Evergreen School District students receive annual notification regarding enrollment options available through the School Choice Program.

**AB2260 (Shelley) – Healthy Schools Act of 2000:** The district employs the least toxic pest management practiced at schools. A list of all applied pesticide products, posting, record retention, and use reporting is available at each school office.

**Addressing Parental Concerns:** It is the goal of this district to resolve any complaints informally and as close to the source of the concern as possible. Channels of recourse for parents are:

1. Talk with the person involved.
2. Talk with the immediate supervisor if resolution is not reached.
3. Talk with the appropriate director or assistant superintendent if resolution is not reached at the school or work site.
4. Talk with the superintendent.