
– Legal Update

- Law and Public Schools
- Existing Parent Education Rights
- Curriculum and Instructional Materials
- School Libraries

And Opportunities for Family Engagement in EGUSD

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Presentation Content

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Law & Public Schools



California Constitution – Article IX – Education; Section 1.

The California Constitution provides that public education is a fundamental right.

A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.
(Sec. 1 adopted 1879.)

District Roles and Responsibilities – In Loco Parentis

School districts have been considered to stand *in loco parentis*, meaning that they operate “in the place of a parent.” Because of compulsory education laws, “today’s public school officials do not merely exercise authority voluntarily conferred on them by individual parents; rather, they act in furtherance of publicly mandated educational and disciplinary policies.”

In re Donaldson (1969) 269 Cal. App. 2d 509.

In re William G. (1985) 40 Cal.3d 550, 560.

Field v. Palmdale School Dist. (9th Cir 2005) 427 F.3d 1197, 1206

Nondiscrimination Laws

State and federal law prohibits discrimination, harassment, intimidation and bullying of students based on their actual or perceived sex, gender, sexual orientation, gender identity or expression, race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

[EC Sections 220, 221.5, 234.1, 235, and 51204.5, 42 U.S.C. sections 2000d-2000e-17, 2000h-2000h-6.]

Parent Rights



Parent Rights



Education Code sections 51100-51102 outlines parents' and guardians' right to information and supports collaboration between parents and districts in the advancement of student educational goals.

Education Code 51101 – Parent Rights

- (1) To observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled in accordance with the requirements of any intradistrict or interdistrict pupil attendance policies or programs.
- (2) To meet with their child’s teacher or teachers and the principal of the school in which their child is enrolled within a reasonable time of their request.
- (3) To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees.
- (4) To be notified on a timely basis if their child is absent from school without permission.
- (5) To receive the results of their child’s performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.

Education Code 51101 – Parent Rights (cont.)

- (6) To request a particular school for their child, and to receive a response from the school district. This paragraph obligates a school district to provide a response, but does not obligate the school district to grant the parent's request.
- (7) To have a school environment for their child that is safe and supportive of learning.
- (8) To examine the curriculum materials of the class or classes in which their child is enrolled.
- (9) To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.
- (10) To have access to the school records of their child.
- (11) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.

Education Code 51101 – Parent Rights (cont.)

- (12) To be informed in advance about school rules, including disciplinary rules and procedures in attendance policies, dress codes, and procedures for visiting the school.
- (13) To receive information about any psychological testing involving their child and to deny permission to give the test.
- (14) To participate as a member of a parent advisory committee, school site council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations.
- (15) To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.
- (16) To be notified, as early in the school year as practicable if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

FERPA – Parents Right to Inspect, Review, and Request Amendment of Educational Records

- The Family Educational Rights and Privacy Act (FERPA) is a federal law addressing the privacy of students' educational records. [20 U.S.C. § 1232g; 34 CFR Part 99]
- FERPA gives parents/guardians certain rights regarding their child(ren)'s education records. These rights transfer to the student at the age of eighteen or when they attend school beyond the high school level.
- FERPA affords parents/guardians or eligible students the right to inspect and review the student's education records.
- Parents/guardians or eligible students have the right to request that a school correct records that they believe to be inaccurate or misleading. If the school does not amend the record as requested, the school must offer the parent/guardian or eligible student a hearing on the matter.

Special Education – Parents Rights

Parents of children with disabilities have specific educational rights under the Individuals with Disabilities Education Act (IDEA). These rights are called procedural safeguards. Individuals serving as surrogate parents and students aged eighteen receiving special education services, are also entitled to these rights.

[Federal and State laws: 20 *United States Code* Section 1412[d]; 34 *Code of Federal Regulations* 300.504; EC sections 56301[d][2], 56321, and 56341.1[g][1)].]

Local Control Accountability Plan – Consult

School districts are required to "consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, **parents**, and pupils in developing" the LCAP.

[EC sections 52060(g) and 52066(g).]

Education Code 51101.1 – Parent Rights

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985.

Comprehensive Sexual Health – Parent Right to Opt Out



- California Healthy Youth Act requires that students in grades 7-12 receive comprehensive sexual health education and HIV prevention education at least once in middle school and once in high school.
- A school district may provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses. A school district that elects to offer comprehensive sexual health or HIV prevention education earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained the California Healthy Youth Act. [EC § 51933 and § 51934(c)].
- Comprehensive sexual health education is defined as “education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections” (EC § 51931[b]).
- HIV prevention education is defined as “instruction on the nature of human immunodeficiency virus (HIV) and AIDS, methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS” (EC § 51931[d]).

Comprehensive Sexual Health – Parent Right to Opt Out (cont.)

- School districts are required to notify parents/guardians a minimum of 14 days prior to the first day of comprehensive sexual health instruction.
- To opt-out of this instruction, parents/guardians must request in writing that their child not participate in the instruction. If the parent/guardian does not request in writing that the child be withheld, the child will attend the instruction (EC § 51938[a]).
- The opt-out provision of the California Healthy Youth Act does not apply to instruction or materials outside the context of comprehensive sexual health education, including legally mandated FAIR Act curriculum that may reference gender, gender identity, sexual orientation, discrimination, bullying, relationships, or family.

Curriculum & Instructional Materials



School Curriculum: State and Local Control – Overview

- **State control:** academic content standards and curriculum frameworks.
- **State control:** K-8 instructional materials.
- **Local Control:** 9-12 instructional materials, but the materials must align with law and state content standards.

School Curriculum and Parents

- Parents do *not* have the ability to control the school curriculum or the ideas that their children are exposed to through that curriculum.
 - *Field v. Palmdale School Dist. (9th Cir. 2005) 427 F.3d 1197, 1206, citing Blau v. Fort Thomas Pub. Sch. Dist., 401 F.3d 381, 395–96 (6th Cir.2005).*
- *Pierce v. Society of Sisters (1925) 268 US 510 – Oregon law requiring compulsory education is legal and does not infringe on a parent’s right to control the upbringing of their child because the parent can select a private school if they choose.*

Selection of Instructional Materials

- In California, the State Board of Education (SBE) decides upon and adopts the **content standards** for **all students**, from kindergarten through high school (K-12).
- **Content standards** are what students should know and be able to do in each subject at each grade (EC sections 60604-60618).
- **Curriculum frameworks** provide guidance for implementing the content standards adopted by the SBE.

Law Continues to Evolve

AB 1078 – If signed by the Governor, this Bill would provide in part in EC section 51501:

- (a) The state board and any governing board shall not adopt any textbooks or other instructional materials for use in the public schools that contain any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, or because of a characteristic listed in Section 220.
- (b) A governing board shall not prohibit the continued use of an appropriately adopted textbook, instructional material, or curriculum on the basis that it contains inclusive and diverse perspectives, including those in compliance with Sections 51204.5, 51933, 51934, and 60040.

School Curriculum – The FAIR Act

- A state mandate for K-12 public school history-social science curriculum and instruction to include the contributions of LGBTQ Americans.
 - No student opt-outs are permitted as the inclusion of all groups are included throughout the history social science content materials.
 - Students are obligated to complete related regular classroom assignments.
 - School district local control over implementation (e.g., content/grade levels).
- SB 48 (FAIR Act) , EC sections 51204.5, 51501, 60040, 60044.

Selection of Instructional Materials, Grades K-8

State Role – Grades K-8:

- The SBE has constitutional authority to adopt instructional materials for grades kindergarten through eight (K-8) (Article IX, Section 7.5 of the California Constitution).
- California Education Code sections 60200-60204 describe the process for the state's adoption of instructional materials for kindergarten through grade eight (K-8) and mandate that submitted materials be evaluated for consistency with the criteria and standards in the SBE's curriculum frameworks.

Selection of Instructional Materials, Grades 9-12

State and District Role-Grades 9-12

- School boards have the authority and responsibility under EC Section 60400 to adopt instructional materials for grades 9-12.
- School boards are required to adopt instructional materials for grades 9-12 that are aligned to state content standards (EC section 60442(a)).
- School boards are required to adopt instructional materials for grades 9-12 which comply with the Fair Act (SB 48 (Fair Act) , EC sections 51204.5, 51501, 60040, and 60044, and can only adopt instructional materials that “accurately portray the cultural and racial diversity of our society.”

Selection of Instructional Materials

- ***Teacher Role:*** Education Code Section 60002 provides that, each school district board shall provide for substantial teacher involvement in the selection of instructional materials.
- ***Parent Role:*** Education Code Section 60002 provides that each district shall promote the involvement of parents and other members of the community in the selection of instructional materials.

Required Instruction in California

School districts are required to:

- Teach students the roles and contributions of both men and women, persons with disabilities, and members of all kinds of ethnic and cultural groups. This material is embedded within the state-adopted History-Social Science curriculum.
- Prohibit teaching students to be negative about a group of people because of a protected characteristic (e.g., race, gender, religion, disability, etc.).
- Accurately portray the cultural and racial diversity of our society, which means teaching students that racism is wrong and how to learn from historical mistakes so they can take action to prevent or stop racism on campus and in society now and in the future.

[EC section 51204.5]

Required Instructional Topics

- The role of immigrants, including Filipino Americans, in the farm labor movement;
- The “inhumanity of genocide, slavery, and the Holocaust” including the Armenian Genocide;
- Deportations of citizens and lawful permanent residents to Mexico during the Great Depression; and
- The role of Chinese Americans in the establishment of the transcontinental railroad.

School Curriculum – No Compulsory Beliefs

A pupil may not be compelled to affirm or disavow any particular personal or privately held worldview, religious doctrine, or political opinion.

[EC section 49091.12]

School Libraries



School Libraries

- School libraries are subject to litigation and court oversight to ensure compliance with State and Federal Constitutional Rights, Nondiscrimination Rights, and other Laws. -*Board of Educ., Island Trees Union School District., No. 26 v. Pico*, (1982) 457 U.S. 853
- Districts are mandated to have school libraries. [EC section 18100]
- School libraries are subject to local, not state/federal control.
- School Districts have a “speech” right to control instructional and library materials.
- Unlike required classroom materials, school districts have control over school library content and procedures. [EC sections 18102 and 18103, and Cal. Code Regs., title 5, section 16043]

School Libraries: Constitutional Restrictions

Island Trees Union Free School District, No. 26 v. Pico, (1982) 457 U.S. 853.

- Parents/Board challenged 11 school library books. Board rejected subcommittee recommendations regarding the exclusion/retention of the books. Board did not use established and regular, unbiased procedures to review controversial matters.
- Board ignored “the advice of literary experts,” the views of “librarians and teachers,” “the advice of the Superintendent,” and “the guidance of publications that rate books for junior and senior high school students.”
- Five high school students sued for the return of the books. U.S. Supreme Court ruled in favor of students (5 to 4 vote).
- Books were ultimately returned to the library without conditions.
- Students have First Amendment rights.
- First amendment right to receive information and ideas. [3 Justices]
- School boards have significant discretion over library books which may not be exercised in a narrowly partisan or political manner. Our Constitution does not permit the official suppression of ideas. Decisions must be constitutional and not based on disagreement with the book’s ideas, partisanship, or politics.

Family and Community Engagement Opportunities



Education Code 51101

Parents may support the learning environment of their children as follows:

- (A) Monitoring attendance of their children.
- (B) Ensuring that homework is completed and turned in on a timely basis.
- (C) Participation of the children in extracurricular activities.
- (D) Monitoring and regulating the television viewed by their children.
- (E) Working with their children at home in learning activities that extend learning in the classroom.
- (F) Volunteering in their children's classrooms, or for other activities at the school consistent under the supervision of school district employees and consistent with school district policies and regulations.
- (G) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

Family and Community Engagement in EGUSD

The foundational elements of our work:

- **Relational:** it is vital for student success that the relationship between the home, the school, and the community serve as the foundation for shared responsibility.
- **Collaborative:** we believe in partnering with our families and community stakeholders to provide opportunities for shared learning.
- **Developmental:** in order for our students to grow both academically and socially, initiatives must be focused on building staff, community, and family capacity to help our students to be college and career-ready.
- **Interactive:** it is important that we provide engagement opportunities that are interactive and allow families and the community the opportunity for two-way communication.
- **Linked to Learning:** all engagement initiatives should be aligned with school and district achievement goals that help students to be college and career-ready.

Opportunities for Family Engagement

School-Focused

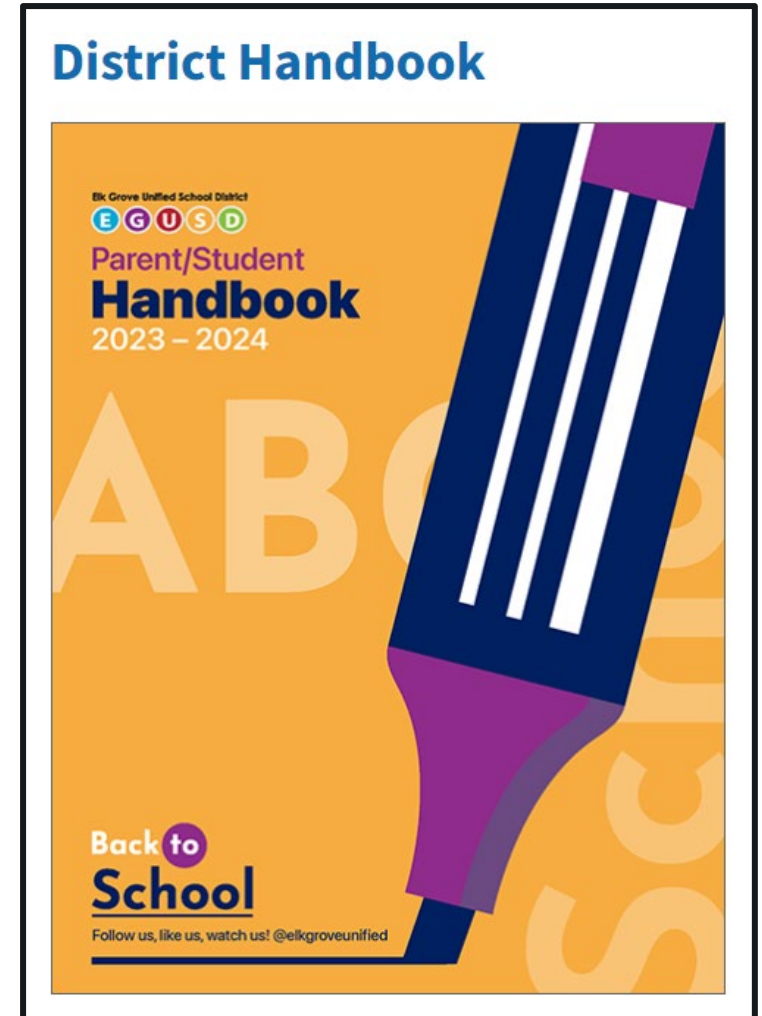
- School Site Council
- English Learner Advisory Council
- Family Teacher Academic Teams
- PTO/PTA/Boosters
- School festivals
- Participate in teacher/parent Conferences
- Attend a campus

District-Wide

- Attend a district-wide event
- Family Wellness Series
- Family affinity groups
- District Advisory Committees
- Latino Literacy
- Family Writing Nights
- Surveys/evaluations
- And more

District Parent & Student Handbook

- Parent & Student District Handbook is updated annually
- [District website](#)
- School website
 - Request a printed copy
- [Family Resources Website](#)





Thank you!
Questions and Comments



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