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## 2022 Updates: Annual Notice of Parental Rights and Responsibilities

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As a reminder, school districts and county offices of education should update their parental annual notices (Annual Notices) for the upcoming 2022-2023 school year. The following is a summary of considerations for updating Annual Notices, including one mandatory change and other optional/advisable changes.

**Background**

*Excused Absences – Cultural Events and Behavioral or Mental Health*

The Governor signed Assembly Bill (AB) 516 and Senate Bill (SB) 14 in 2021. AB 516 expanded the list of excused school absences found in Education Code Section 48205 by adding participation in cultural ceremonies or events to the list. AB 516 defines “cultural” as “relating to the habits, practices, beliefs, and traditions of a certain group of people.” In complying with AB 516, schools will need to make justifiable interpretations of what qualifies as a “cultural ceremony or event.” As with any other excused absence, this new excused absence will affect computation of average daily attendance, the primary factor in calculating state apportionment to school districts pursuant to the Local Control Funding Formula (LCFF).

SB 14 also amended Section 48205 by expanding the existing excused absence due to illness to include “an absence for the benefit of the pupil’s mental or behavioral health.”

Annual Notices should be updated to include these two new grounds for excused absences: (1) participation in cultural ceremonies or events; and (2) illnesses related to mental or behavioral health.

For more information, please see [2021 Client News Brief Number 34](#).

**Recommended Annual Notice Change**

*Language Acquisition Programs*

A California Department of Education (CDE) auditor, in relation to a Federal Program Monitoring (FPM) review, recently determined that language acquisition program information needs to be included in the Annual Notice. This determination appears to be based on California Code of Regulations, title 5, section 11310 (Section 11310), which sets out broader requirements for providing language acquisition program information to parents than as required by the Education Code. In contrast to Section 11310, Education Code section 310 provides that language acquisition program information must be included either in the Annual Notice or upon enrollment.

In light of the CDE auditor's determination, we recommend including a language acquisition program provision in the Annual Notice which describes: (1) the language acquisition programs, in English and any other language, offered by your district; (2) the goals of each language acquisition program, methodologies used, and evidence of the program's effectiveness; and (3) parental choice and the process to request the establishment of a language acquisition program.

Language acquisition program information should also be provided to parents of students enrolling after the beginning of the academic school year and verbal notice should be provided upon request.

## **Effective January 1, 2023**

### *Pupil Health: Type 1 Diabetes Information (Senate Bill 97)*

SB 97 added Education Code section 49452.6, requiring the CDE to develop informational materials regarding type 1 diabetes and make this information available on the CDE's website. On or after January 1, 2023, SB 97 also requires school districts, county offices of education, and charter schools to either include the materials as part of their Annual Notices or make these materials available to parents and guardians when students first enroll in elementary school.

Since the CDE has not posted the type 1 diabetes information yet, we will remind clients later of this requirement which will take effect on January 1, 2023. For more information, please see [2021 Client News Brief Number 37](#).

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 any of the requirements discussed in this Client News Brief. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#) or download our [mobile app](#).

# Client News Brief

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