

# CLIENT NEWS BRIEF

## 2020 Updates: Annual Notice of Parental Rights and Responsibilities

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 that call for mandatory updates to the Annual Notice of Parental Rights and Responsibilities (Annual Notice) as well as other related changes that do not directly affect the Annual Notice.

To date, legislative and non-legislative orders, actions, directives and guidance related to novel coronavirus (COVID-19) have not addressed or impacted the Annual Notice deadline or required content.

### **Mandatory Annual Notice Changes**

**Medical Exemptions for Student Immunizations.** The California Legislature passed two laws in 2019, Senate Bills (SB) 276 and 714, respectively, which place additional requirements on parents seeking immunization exemptions based on their child's medical condition. Students who have a medical exemption issued before January 1, 2021, will be allowed continued enrollment until they enroll in the next "grade span." Grade spans are defined as follows:

- (1) birth through preschool;
- (2) Kindergarten through 6th grade; and
- (3) 7th through 12th grade.

As of January 1, 2021, the California Department of Public Health (CDPH) must develop and make available a standardized, statewide medical exemption certification form, and school districts and county offices will only be allowed to accept medical exemption requests that are submitted on the CDPH's form, which the student's licensed physician or surgeon must complete and submit directly to the California Immunization Registry.

Please note that Lozano Smith previously advised ([see Client News Brief Number 54 from October 2019](#)) that medical exemptions requests submitted between January 1, 2020 and December 31, 2020 are only valid until January 1, 2021, which, given the language of the statute, was a reasonable interpretation of these new laws. However, we have recently received clarification from the CDPH that medical exemption requests submitted in 2020 are valid until a student enters the next grade span. Annual Notice immunization provisions should be revised to reflect these new medical exemption requirements.

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**Residency Retention for Migratory Children.** Assembly Bill (AB) 1319 is intended to minimize academic and social disruptions for migratory students. The bill added Education Code section 48204.7, which provides that “currently migratory children,” who are enrolled in a school district due to a parent’s or immediate family member’s temporary or seasonal employment in an agricultural or fishing activity, as defined, must be allowed to continue in their schools of origin, regardless of any change of residence during that school year, for the duration of their status as migratory children.

Also, when a student’s status as a migratory child changes during the school year, school districts must:

- (1) allow K-8th grade students to continue enrollment in their schools of origin for the remainder of that school year; and
- (2) allow 9-12th grade students to continue in their schools of origin through graduation.

AB 1319 also requires that migratory children and their parents/guardians be informed of the impact that remaining in their schools of origin will have on their eligibility to receive migrant education services, such as instructional, health and welfare services, and transportation.

Since statutory attendance options are a required component of the Annual Notice, we recommend adding a residency retention for migratory children provision.

## **Related Requirements**

The following statutory changes do not impose any new Annual Notice requirements, but school districts and county offices of education should be aware of these new requirements for 2020, especially if a district’s Annual Notice contains content on these subjects:

**Self-Administration of Prescribed Asthma Medication.** AB 743 requires a school district to accept a written statement provided by a physician or surgeon relating to a pupil carrying and self-administering inhaled asthma medication, from a physician or surgeon who is contracted **with a prepaid health plan operating lawfully under the laws of Mexico that is licensed as a health care service plan in California.** The written statement must be provided in both English and Spanish and include the name and contact information for the physician or surgeon.

Also, school nurses or other school personnel shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for their acts or omissions relating to a pupil self-administering inhaled asthma medication in accordance with a written statement from such a physician or surgeon. AB 743 also provides that a school district shall not be subject to civil liability if a pupil self-administering inhaled asthma medication in accordance with a written statement from such a physician or surgeon suffers an adverse reaction. AB 743 does not affect the Annual Notice’s medication provisions.

**Student Sexual Harassment Policy Distribution and Posters.** AB 543 added the requirement that student sexual harassment policies be provided as part of orientation for continuing, as well as for new, students, at the beginning of each quarter, semester, or summer session, as applicable. Student sexual harassment policies are already required to be included with the Annual Notice.

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AB 543 also requires schools serving students in any of grades 9 through 12 to create and display age appropriate posters that notify students of the school's student sexual harassment policy. For more information on the new poster requirement, see [Client News Brief Number 71 from November 2019](#).

**Anti-Discrimination Based on Race Now Includes Hair Texture and Protective Hairstyles.** SB 188 expanded the definition of "race" to include traits historically associated with race, such as hair texture and protective hairstyles. "Protective hairstyles" may include, but are not limited to, braids, locks, and twists. School districts may wish to update their anti-discrimination policies and Annual Notice provisions to include this expanded definition of race. For more information, see [Client News Brief Number 38 from August 2019](#).

**Bullying, Discrimination, Harassment and Suicide Prevention Website Information.** Specific information on bullying and harassment prevention must now be readily accessible and in a prominent location on a Local Education Agency's (LEA) existing internet website. LEAs are defined as county offices of education, school districts, state special schools, and charter schools. AB 34 took effect on January 1, 2020, and further requires that LEAs post on their websites specific state and local policies adopted by the LEA related to hate violence, bullying, harassment, discrimination, and suicide prevention, and resources related to these topics.

Beginning in the 2020-21 academic year, LEAs must have the following information posted on their websites:

- a) The LEA's:
  - Student suicide prevention policy for 7th-12th graders;
  - Student suicide prevention policy for K-6th graders;
  - Sexual harassment policy as it pertains to students;
  - Policy on preventing and responding to hate violence, if it exists;
  - Anti-discrimination, anti-harassment, and anti-intimidation policies; and
  - Anti-bullying and anti-cyberbullying policies and procedures.
- b) The definition of discrimination and harassment and copies of Education Code sections 230 (prohibited practices on the basis of sex) and 221.8 (list of rights under Title IX).
- c) The name and contact information of the LEA's Title IX Coordinator.
- d) The rights of students and the public, and responsibilities of the LEA, under Title IX.
- e) A description of how to file a Title IX complaint, including an explanation of the statute of limitations and how the complaint will be investigated, with weblinks to this information on the United States Department of Education Office for Civil Rights' (OCR) website.
- f) A weblink to the federal regulations implementing Title IX from the OCR website.

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- g) Social media bullying prevention and statewide and community resource information for students who have been victims of violence, bullying, discrimination, intimidation and harassment.

See [Client News Brief Number 70 from November 2019](#) for more information.

Lozano Smith regularly reviews and updates Annual Notices for school districts and county offices of education around the state. Such revisions involve either an update to last year's Annual Notice to account for changes in the law within the past year, or a more comprehensive review to covering changes in the law over the past several years and/or changes in adopted policies and practices. If you are interested in any of the annual review services that Lozano Smith provides, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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