

# 2024 Updates: Annual Notice of Parental Rights and Responsibilities

June 25, 2024

Number 30

**Written by:**

Claudia P. Weaver

Partner

Monterey

Sinead M. McDonough

Associate

Sacramento

Mary Gates-Casey

Paralegal

Monterey

As a reminder, school districts and county offices of education should update their parental annual notice (Annual Notice) for the upcoming 2024-2025 school year. The following is a summary of required Annual Notice updates.

## 2024 Updates

### **(1) Cancer Prevention Act - Human Papillomavirus (HPV) Immunization**

Effective January 1, 2024, Assembly Bill (AB) 659, known as the Cancer Prevention Act, added Education Code section 48980.4, which requires the Annual Notice to include a statement about the State's public policy advising students to follow current immunization guidelines regarding full immunization against human papillomavirus (HPV) before admission or advancement to eighth grade.

### **(2) Annual Notice to Parents and Guardians Regarding Synthetic Drugs**

Effective January 1, 2024, AB 889 requires that local educational agencies notify parents and guardians about the dangers associated with using unprescribed synthetic drugs, such as fentanyl. According to the U.S. Drug Enforcement Administration (DEA) website, deadly doses of fentanyl have been found in fake/counterfeit versions of Adderall, Xanax, and Oxycodone, among other medications.

This notification, which must be given to parents and guardians annually, can be included with the Annual Notice or provided separately. This information must also be posted on local educational agencies' internet websites and on the internet websites for each individual school within a local educational agency, if those schools have their own websites.

For more information, the Centers for Disease Control and Prevention (CDC)'s Fentanyl Facts, in English and Spanish, can also be accessed here: [CDC Fentanyl Facts \(English\)](#) and [CDC Fentanyl Facts \(Spanish\)](#).

### **(3) Excused Absences for Religious Retreats**

Annual Notices must already include information regarding excused absences. AB 1503 amended Section 48205 of the Education Code regarding excused absences, to increase the time frame for an excused absence for participation in a religious retreat from four hours to one full school day per semester. The rationale for this amendment is that while students are entitled to a break over Christmas, a Christian holiday, other non-Christian students from various religious and ethnic backgrounds should also be entitled to practice their faiths.

### **(4) Excused Absences for Death of an Immediate Family Member**

Senate Bill (SB) 350 also amended Education Code section 48205, to increase the time frame for an excused absence from three days to five days to allow for attendance at funeral services for, or to grieve the death of, an immediate family member. The bill further provides for an *additional* excused absence for a period of not more than three (3) days for students to seek grief support services, access services from a victim services organization or agency, or to participate in safety planning, related to the death of an immediate family member.

For the purposes of this type of excused absence, SB 350 expands the definition of “immediate family” to include a person, as determined by the student’s parent or guardian, to be in such close association with the student as to be considered the student’s immediate family.

### **(5) Non-Discrimination Statements and Policies**

AB 1078 amended Education Code section 234.1, so that non-discrimination statements and policies, which are mandatory Annual Notice provisions, must now include a statement that non-discrimination policies also apply to all acts of the governing board, the district superintendent, and the county superintendent of schools in enacting the local educational agency’s policies and procedures.

### **(6) Textbook or Library Book Use and Sufficiency Complaints**

AB 1078 also impacts local educational agencies’ Uniform Complaint Procedures and Williams Complaint Procedures, which are mandatory Annual Notice attachments.

AB 1078 authorizes complaints regarding: (a) actions taken by a school district governing board, county board of education, or governing body of a charter school alleging unlawful discrimination in prohibiting the use of a textbook or library book; or (b) insufficient textbooks or instructional materials, to be filed directly with the State Superintendent of Public Instruction. Previously, complaints related to insufficient textbooks or instructional materials had to be processed at the local level, through the local educational agency’s Williams Complaint Procedures. Now, the State Superintendent may intervene without waiting for the local educational agency to investigate. (Education Code sections 243 (c) and 35186 (d).) See 2023 Client News Brief Number 36 for more information.

Local educational agencies will need to review and update their Uniform Complaint Procedures to include complaints based on the unlawful discrimination by the governing body in prohibiting the use of instructional materials and library books. Uniform Complaint Procedures and Williams Complaint Procedures should also be updated to specify that complaints related textbooks and instructional materials may be filed directly with the State Superintendent of Public Instruction.

## **(7) California College Guidance Initiative Data Sharing**

The California Department of Education (CDE) recently sent out a notice to all local educational agencies regarding information necessary for annual notifications related to the California College Guidance Initiative (CCGI).

Based upon the CDE's communication, we recommend including the following provision in the Annual Notice:

*California College Guidance Initiative Data Sharing (Education Code section 60900.5(d).)*

*The California College Guidance Initiative (CCGI) works with California school districts to make applying for college and student financial aid a more streamlined experience for students. The CCGI currently receives enrollment data for all public school students in grades 6-12 from the California Department of Education (CDE). For more information about the CCGI, visit their website at <https://www.californiacolleges.edu/#/>.*

## **(8) Title IX Policy – New 2024 Title IX Regulations**

We recommend that local educational agencies attach their Title IX policies, which address sex discrimination complaints, to their Annual Notice. Please note that updated 2024 Title IX Regulations were issued recently and must be implemented by August 1, 2024. Our firm is developing policies and templates to incorporate these new regulations. See [2024 Client News Brief Number 22](#) for more details.

Reminder Regarding 2023 Update

## **(9) Firearm Safety and Safe Storage of Firearms Information (Education Code Section 48986)**

Beginning with the 2023-2024 school year, local educational agencies were required to include information in their Annual Notices related to the safe storage of firearms and California's child access prevention laws, which establish liability for parents and guardians who should have known that their child could gain access to a firearm at home. The information included in the Annual Notice must be informed by model content developed by the CDE, which will be updated annually. It does not appear that the CDE has issued an updated version of its 2023 sample memorandum, so local educational agencies should continue to use the CDE's 2023 sample memorandum, currently

# Client News Brief

available in English and Spanish, for 2024. Our Client News Brief regarding this new requirement can be found here: [2022 Client News Brief Number 41](#).

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 any attorney at one of our [eight offices](#) located statewide, if you would our assistance in updating your Annual Notice, non-discrimination, Uniform Complaints, Williams Complaints, or Title IX policies and procedures, 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](#).

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*