

Parental/Guardian Notification and Name Policy

The _____ School District Board of Education (“Board”) strives to foster ongoing communications between its district and parent(s)/guardian(s). To that end, the Board supports the fundamental rights of parent(s)/guardian(s) to be informed of and involved in all aspects of their pupils’ education in order to promote the best outcomes for both the pupil and the family.

Intent of Policy

By enacting this Parental Notification Policy (the “Policy”), it is the intent of the _____ District (“_____” or “District”) to do all of the following:

1. Set forth expectations for transparency, and clear and candid communications, between the District and parent(s)/guardian(s) of pupils.
2. Bring parent(s)/guardian(s) into the decision-making process at the earliest possible time regarding the mental health and social-emotional issues of their children in order to protect the health, safety and welfare of all pupils including, but not limited to, preventing self-harm, and promoting the best outcomes for both pupils and families.
3. Promote communication and positive relationships with parent(s)/guardian(s) of pupils that promote best outcomes for pupils’ academic and social-emotional success.
4. Encourage all District employees, administrators, certificated staff and/or agents to collaborate with parent(s)/guardian(s) in evaluating the needs of pupils who exhibit difficulties or challenges with academics or attendance, or social, emotional, or behavioral issues, and to identify the strategies and programs that may assist such pupil(s) to maximize their opportunities for success in school and beyond.
5. Acknowledge and affirm fundamental parental rights secured by the 14th Amendment to the U.S. Constitution, as set forth in *Troxel v. Granville*, 350 U.S. 57, 67-68 (2000) that a “custodial parent has a constitutional right to determine, without undue interference by the state, how best to raise, nurture, and educate the child.” Acknowledge that “[t]he child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.” *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925).
6. Acknowledge that only a parent or guardian may petition the California courts for a change of the name of a minor child. (Cal. Code of Civil Procedure §1276).
7. Acknowledge that teachers, district employees, administrators, certificated staff and agents of the District are acting as government employees while they are performing work and services for the District, and that their speech belongs to the District. (*Johnson v. Poway Unified School District* 658, F.3.d. 954 (9th circuit 2011.)

Pupil Records

Parent(s)/Guardian(s) who have legal custody of the student shall, on an annual basis, provide the District with the following information at the start of student's enrollment into the District: the student's legal name and all names that the parent/guardian approves for use by the student in any manner of communication by any teacher, district employee, administrator, certified staff and/or agent of the District. This information shall also include the parent-approved pronouns for the student. This information shall be contained on a single form referred to as the "Name Form." The Name Form will become a part of the pupil's records under the California Education Code § 49069.7 and FERPA 20 U.S.C. §1232g(b)(2).

All teachers, district employees, administrators, certificated staff and agents of the District shall use only the name and pronouns that appear on the Name Form for the pupil in any and all communications, verbal or written, while at school and/or any school-sponsored or school-related events. Teachers, district employees, administrators, certificated staff and/or agents of the District shall not conceal from the parent(s)/guardian(s) any different name or pronouns used by their student while at school.

The Name Form may be amended only by the parent(s)/guardian(s) or the student, provided the student is age 18 or older.

All teachers, district employees, administrators, certificated staff and agents of the District shall notify the parent(s)/guardian(s) in writing within three day from the date any teachers, district employees, administrators, certificated staff and agents of the District becomes aware that a student is requesting to change any information contained in the student's official or unofficial records. For purposes of this policy, "unofficial records" include, but are not limited to, any unique or identifying information regarding a student used by staff or teachers in the classroom or other school programs, records or mental notes used by the teachers or staff in their classrooms, school-related events, or with sports teams, whether written or unwritten, which unique or identifying information is different from the information listed on the pupil or education record under the California Education Code § 49069.7 and FERPA 20 U.S.C. §1232g(b)(2).

Teachers, district employees, administrators, certificated staff or agents of the District who have a sincerely held religious belief can request religious accommodations from the District regarding the usage of pronouns, if such pronoun usage conflicts with their sincerely held religious beliefs. Pursuant to federal and state law, the District shall grant religious accommodations unless such accommodation would result in an undue hardship.

Athletic Teams

Parents/guardians must provide advance written authorization for their student to participate in any athletic team(s) or club(s) offered by the District. The authorization must include a complete and accurate description of the sports team and must be obtained for each and every sports team.

Parents/guardians have the authority to prohibit their student from participating in any athletic team(s) or club(s) offered by the District, unless the student is aged 18 or older.

School Counseling

A. Where the student is under **12 years of age**, school counselor(s)/psychologist(s) must get written consent from the parent(s)/guardian(s) before a school counselor meets with their student. No discussions between the school counselor and student are confidential including personal information unless there is a claim of abuse under which the school counselor is required to report as a mandated reporter. (Cal. Ed. Code 49602 and Penal Code sections 11164-11174.3, the District Policy [5141] and Administrative Regulations [5141.4(a)]. School counselors must notify the parent(s)/guardians of the content of the meeting with their student at a minimum, within three (3) school days from the meeting. If the school counselor has a reason belief that the student is in a clear and present danger of harm to self or others, notification to the parent(s)/guardian(s) must be immediate or as soon as reasonably possible.

B. Where the pupil is **12 years or older**, the school counselor/psychologist shall comply with Education Code Section 49602 and determine, within five school days following such knowledge, whether any disclosures of a personal nature by the student to his or her parent(s)/guardian(s) is necessary to avert a clear and present danger to the student's health, safety, or welfare. However, if notifying the parent(s)/guardian(s) creates a clear and present danger to the student, no notification to the parent(s)/guardian(s) is required, but the school counselor/psychologist must record the specific basis for his or her belief of that a clear and present danger exists. The District recognizes the known heightened risk of suicidal thoughts and suicide attempts for trans-identifying and gender nonconforming youth, and other students with body image distress, students evidencing signs of depression and anxiety, and students experiencing traumatic events or other mental health issues.

2. **Physical Injury Notification:** The principal/designee, or staff shall notify the parent(s)/guardian(s) of the student immediately or as soon as reasonably possible, when a student experiences any significant physical injury while on school property or while participating in a school sponsored activity.

3. **Suicidality:** All District employees shall take every student's statement(s) regarding suicidal intent seriously. To this end, and in accordance with **Board Policy** _____:

A. Whenever a District employee, administrator, or certificated staff member or agent suspects or has knowledge of a student's suicidal intentions, based on the student's verbalizations or act(s) of self-harm, the employee, administrator, staff member or agent shall promptly notify the principal or school counselor, who shall implement the District's intervention protocols, as appropriate, and shall notify the parent(s)/guardian(s) immediately, or as soon as reasonably possible.

B. When a suicide attempt or threat is known, the principal/designee shall ensure student safety by taking the following actions:

- (i) Immediately secure medical treatment and/or mental health services as necessary;
- (ii) Keep the student under continuous adult supervision until the parent(s)/guardian(s) and/or appropriate support agent or agency can be contacted and has the opportunity to intervene;
- (ii) Notify law enforcement and/or other emergency assistance if a suicidal act is being actively threatened and remove other students from the area in the event of an active suicidal act.

The principal/designee shall document the incident in writing, including the steps taken by the school in response to the suicide attempt or threat.

4. **Bullying By or Against A Student:** The principal/designee or certificated staff shall notify the parent(s)/guardian(s) of any incident or complaint of a verbal or physical altercation involving their student, including bullying by or against their student, within **three** school days of the occurrence. Any student, parent(s)/guardian(s), or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to the principal, assistant principal, or teacher. Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and in accordance with **Board Policy**.

Miscellaneous

1. District employees shall act only within the authorization and scope of their credential or license. An employee is not authorized to diagnose or treat mental illness unless specifically licensed and employed to do so. (California Education Code Section 215).

2. The notification required in sections 1 through 4 above may be by telephone, mail, email, or conference, and shall comport with the preferred notification method(s) identified in the student's official records by the parent(s)/guardian(s). District employees who make such notification shall either keep a record of such notification (if written) or shall document such notification (if verbal).

3. To the extent this Parental/Guardian Notification and Name Policy conflicts with any other Board Policy, this Policy takes precedence.

Fiscal Impact:

The Fiscal Impact for implementing this policy will be reported annually and updated as part of the Board of Education's approval and adoption of the District budget.

Legal References:

- CALIFORNIA EDUCATION CODE:
 - 35160 Authority of Governing Board
 - 49069.7 Absolute right to access
 - 49602 Confidentiality of pupil information
 - 51100-51102 Parent/guardian rights
- CALIFORNIA FAMILY CODE:
 - 6924 Counseling Services
- CALIFORNIA HEALTH AND SAFETY CODE:
 - 124260 Counseling Services
- FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT 20 U.S.C. 1232g

- CALIFORNIA CODE OF CIVIL PROCEDURE:
 - 1276 Change of Names

