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MINORS ON CAMPUS GUIDE

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This workbook contains generalized legal information as it existed at the time the workbook was prepared. Changes in the law occur on an ongoing basis. For these reasons, the legal information cited in this workbook should not be acted upon in any particular situation without professional advice.

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SECTION 1 DUAL ENROLLMENT/MINORS ON CAMPUS GUIDE

Community college districts are charged with providing a safe working environment for their employees and a safe learning environment for their students. The duty to provide a safe working and learning environment stems from a myriad of legal obligations under federal and state law, including Title IX at the Federal level, and California's Education Code and Penal Code, at the State level.

While community college districts generally work with an adult student population, minors—individuals who are under 18 years of age[1]—may be present on community college campuses for a variety of reasons. For example, minors may be present because:

- They are high school students attending college classes through dual enrollment;
- They are college students who are not yet 18 years old;
- They are participating in camps, activities or sporting events on campus;
- They are participating in clubs not sponsored by the district, such as the Girl Scouts, that utilize campus facilities;
- They are attending day care on campus; or
- They are trespassing (*e.g.,* by skateboarding in the campus parking lot).

The presence of minors on campus compounds safety issues, and, when minors are students, it presents other unique concerns, from curriculum issues to what happens if a minor student's ride is late.

This guide presents a discussion of the admissions processes for dual enrollment students, as well as the larger issues that arise when minors are present on campus, especially through dual enrollment, and what a community college district should be considering. Throughout this guide, we have suggested that community college districts consider providing an "Orientation Checklist," which would provide an opportunity for minor students and their parents/guardians to acknowledge important information, such as about the district's emergency preparedness plans and procedures, student privacy rights, and more. A template Orientation Checklist is included with this guide as Appendix A.

SECTION 2 ADMISSIONS

A community college district must admit any California resident possessing a high school diploma or its equivalent, but a district has discretion as to whether to admit minors who do not possess a high school diploma.[2] These minors may be admitted as either special part-time or

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special full-time students. However, often, minors enrolled in community college districts are more broadly referred to as "special admits."

The Education Code provides two tracks for enrolling current high school students: the College and Career Access Pathways ("CCAP") track pursuant to Education Code section 76004 and the non-CCAP track pursuant to Education Code sections 76001 and 76002. Each track has particular purposes and features. For example, the number of units in which a special part-time student may enroll differs depending on the track. The tracks are also not mutually exclusive; a district may pursue both the CCAP and non-CCAP tracks.

A. CCAP Track Dual Enrollment - General Information

The purpose of the CCAP track dual enrollment is to serve students "who may not already be college bound or who are underrepresented in higher education" and to "develop[] seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness."[3] The Education Code defines students who are underrepresented in higher education to include "first-time college students, low-income students, students who are current or former foster youth, homeless students, students with disabilities, and students with dependent children."[4]

A community college district with CCAP track dual enrollment must enter into a CCAP Partnership Agreement with its CCAP partner, which can be a school district, a county office of education, or a charter school. The governing boards of both partners must approve the CCAP Partnership Agreement at an open public meeting.[5] This agreement should contain a detailed outline of the partnership, and it must include at least the following terms:

- The total number of high school students to be served.[6]
- The total number of full-time equivalent student ("FTES") projected to be claimed by the community college district.[7]
- The scope, nature, time, location and listing of community college courses to be offered.[8]
- The criteria to assess the ability of students to benefit from the courses to be offered.[9]
- The protocols for information sharing, in compliance with all applicable state and federal privacy laws, joint facilities use, and parental consent for high school pupils to enroll in community college courses.[10]
- The point of contact for each partner.[11]
- A certification that any community college instructor teaching a course on a high school campus has not been convicted of any sex offense or controlled substance offense as defined in Education Code sections 87010 and 87011, respectively.[12]

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- A certification that any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus.[13]
- A certification that any community college instructor teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus.[14]
- A plan by the participating community college district to ensure:
    - A community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus;
    - Participation in a CCAP partnership is consistent with the core mission of the community colleges as described in Education Code section 66010.4; and
    - Participation in a CCAP partnership will not lead to enrollment displacement of otherwise eligible adults in the community college.[15]
- A certification that the partners will comply with local collective bargaining agreement ("CBAs") and all state and federal reporting requirements regarding the qualifications of the teacher or faculty member teaching a course offered for high school credit.[16]
- Specification of which partner will be the employer of record for purposes of assignment monitoring and reporting to the county office of education.[17]
- Specification of which partner will assume reporting responsibilities pursuant to applicable federal teacher quality mandates.[18]
- Certification that any pretransfer-level course taught by community college faculty at a partnering high school campus shall be offered only to high school students who do not meet their grade level standard in mathematics, English, or both on an interim assessment in grade 10 or 11, and shall involve a collaborative effort between high school and community college faculty to deliver an innovative pretransfer course as an intervention in the student's junior or senior year to ensure that the student is prepared for college-level work upon graduation.[19]

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In addition to including all of the items above that are required by Education Code section 76004, districts should also consider addressing the following in their CCAP agreements:

- Privacy of student records, including high school students will have FERPA access rights when

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taking courses at a CCD (See Section III.B);
- Process for resolving complaints, issues or disputes; and
- Process for making required reports to the Chancellor's office.

Before the start of a CCAP partnership, the partners must file a copy of the CCAP Partnership Agreement with the office of the Chancellor of the California Community Colleges ("Chancellor's Office") and the education department.[20] Annually thereafter, the partners must report certain information about the partnership to the Chancellor's office, such as the total number of students enrolled by schoolsite, aggregated by gender and ethnicity, and the total number of FTES generated.[21]A special part-time student participating in the CCAP track may enroll in up to 15 units, if: (1) the units amount to no more than four courses; and (2) the units are part of an academic program that is part of a CCAP Partnership Agreement and that is designed to award students both a high school diploma and an associate degree or a certificate or credential.[22]

Students seeking to enroll in a community college course required for their CCAP partnership program are exempt from the following fees:[23]

- Student Representation Fee.[24]
- Transcript Fees.[25]
- Course Enrollment Fees.[26]
- Apprenticeship Course Fees.[27]
- Child Development Center Fees.[28]

In addition, a high school student enrolled in a course offered through a CCAP partnership cannot be assessed any fee that Education Code section 49011 prohibits, which includes any "fee for participation in an educational activity."[29] Finally, a special part-time student participating in the CCAP track is exempt from nonresident tuition fees.[30]

B. Non-CCAP Track

The purpose of the non-CCAP track is to serve students who are ready to undertake advanced scholastic and vocational training.[31] Specifically, Education Code section 76001 allows the board to decide to admit the following kinds of students:

- Special part-time or special full-time students who would benefit from advanced scholastic and vocational training, with the recommendation of the principal of their school of attendance, and with parental consent;[32]
- Special full-time students whose parent/guardian petitioned the board of the school district in which they enrolled (or the district's board directly if the

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student is not enrolled in public school) on the ground that they would benefit from advanced scholastic or vocational work;[33] and

- Special part-time students pursuing a high school diploma or a high school equivalency certificate, with the recommendation of the administrator of the student's noncredit program of attendance.[34]

Notably, the principal of a school may only recommend a student for courses at a community college during the summer session if the student demonstrates adequate preparation in the discipline to be studied and exhausts all opportunities to enroll in an equivalent course, if any, at their school of attendance.[35]

A community college district's board may restrict admission or enrollment of special part-time or special full-time students based on their age, completion of a specified grade level, or demonstrated eligibility for instruction using assessment methods and procedures established by the Board of Governors of the California Community Colleges ("Board of Governors").[36] However, if a district's board denies a request for a special part-time or full-time enrollment, the board must: (1) record its findings and the reasons for denial of the request in writing within 60 days; and (2) issue the written recommendation and denial at the next regularly scheduled board meeting that falls at least 30 days after the request was submitted.[37]

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Districts offering non-CCAP dual enrollment should provide additional detail about its admissions process through the relevant Administrative Procedure ("AP"). The Community College League of California's ("CCLC") Model Policy on this topic is AP 5011. Things to consider including are the factors the district will review when deciding whether to admit a student (*e.g.*, for middle and elementary school students, the content of the class) and what documents the student must submit for consideration (*e.g.*, principal approval and parental consent).

Special part-time students participating in the non-CCAP track may enroll in up to 11 units.[38] Special part-time students participating in the non-CCAP track are exempt from enrollment fees[39] and nonresident tuition fees.[40]

There are not any formal partnership agreement requirements for the non-CCAP track, and a community college district's board may choose to admit students on an individual basis. However, for the sake of efficiency and as a best practice, districts may want to consider using an agreement with school districts in their area for the non-CCAP track too.

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C. NONCREDIT CLASSES

Finally, note that Education Code section 78401 allows the governing board of a community college district to establish and maintain classes for adults and minors it determines they are qualified for admission for the purpose of providing instruction in civic, vocational, literacy, health, family and consumer sciences, technical, and general education, with the approval of the Board of Governors.

SECTION 3 HEALTH AND SAFETY ISSUES

A. ACCESS TO HEALTH CARE

1. MINOR CONSENT FOR MEDICAL CARE

Under California law, a minor may consent to certain medical care. Additionally, whether a minor can consent to particular medical care affects privacy rights in related medical records.[41]

A minor of any age may consent to medical care related to the prevention or treatment of pregnancy. This includes contraception, but does not include sterilization.[42] A minor of any age may also consent to the diagnosis, treatment, and collection of medical evidence with respect to an alleged sexual assault as defined in Sections 261, 286, or 287 of the Penal Code.[43] In such circumstances, the treating professional must attempt to contact the minor's parent/guardian, unless they believe that the parent/guardian committed the rape or assault.[44]

A minor who is at least 12 years old may also consent to the following:

- Medical care related to the prevention of a sexually transmitted disease ("STD").[45]
- Medical care related to the diagnosis or treatment of an infectious, contagious, or communicable disease that the minor has come into contact with, if the disease is required to be reported to the local health officer, or is a related STD. [46]
- Medical care related to the diagnosis, treatment, and collection of medical evidence related to an alleged rape.[47]
- Medical care related to the diagnosis and treatment of a drug- or alcohol-related problem. In addition, a minor may consent to counseling related to a drug- or alcohol-related problem. However, the minor's treatment plan must include the minor's parent/guardian, if the treating professional determines it is appropriate, and a minor cannot receive replacement narcotic therapy without their parent/guardian's consent.[48]

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- Mental health treatment or counseling on an outpatient basis, or residential shelter services, if the minor, in the opinion of the attending professional person, is mature enough to participate intelligently. However, the minor's mental health treatment or counseling must involve the minor's parent/guardian, unless the provider determines that their involvement would be inappropriate after consulting with the minor.[49]

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If a minor student makes a Title IX complaint, alleging that they were raped or sexually assaulted, the district should keep in mind that the minor may be able to consent to medical care related to those claims.

Community college districts should consider discussing which personnel on its campus(es) should be aware of what medical care a minor can consent to, as detailed above. Personnel that should most likely be aware of these rules include those who are most likely to provide medical care to minors, such as personnel employed at campus clinics. In addition, districts may want to consider ensuring that their Title IX Coordinators are aware of these rules, given the possibility that a minor may seek care in the context of having been raped or sexually assaulted. Liability for Rendering First Aid

Education Code section 76407 provides that community college districts, officers of community college districts, college presidents, and superintendents are not liable for rendering reasonable medical treatment to a minor without parental consent, if all of the following are true:

- The minor is ill or injured during regular school hours;
- The minor requires reasonable medical treatment;
- The minor's parent/guardian cannot be reached; and
- The minor's parent/guardian has *not* previously filed with the district a written objection to any medical treatment other than first aid.

As a best practice, community college districts should provide a minor's parent/guardian the opportunity to object to the minor receiving medical treatment other than first aid as part of an orientation or in enrollment forms. In particular, districts could consider offering the opportunity to opt out through an orientation checklist.

B. Safety on Campus

1. Sex Offenders and Other Criminals

California's Megan's Law requires the California Department of Justice to notify the public about specified registered sex offenders.[50] California also has a Sex Offender Registration Act, which requires sex offenders to register with the police in the jurisdiction in which they reside.[51] Specifically, sex offenders who are community college district students, employees, contractors,

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or volunteers must register with the district's police department. If the district does not have a campus police department, then the sex offender must register with the police of the city in which the campus is located or the sheriff of the county in which the campus is located, if the campus is located in an unincorporated area or in a city that has no police department.

While a community college district would be aware of sex offenders who have registered with the campus police, some sex offenders may ignore their obligation to register. Additionally, community college districts generally do not have information about the criminal background of their students or members of the public who visit the district's campus. Moreover, unlike a K-12 school district, community college districts do not have to exclude people who have been convicted of serious or violent felonies from employment. Instead, community college districts are only required to screen potential employees for sex crimes and controlled substance offenses, and districts may employ even those who have been convicted of those kinds of crimes if it finds that they have been rehabilitated for at least five years.[52]

As a result, minors may encounter a cross-section of society on a community college district campus, and, from time-to-time, there may be people on campus who have been convicted of a crime, including serious or violent crime. Districts should make minor students and their parents/guardians aware of this fact, and they could consider doing so through an orientation checklist. In addition, a district could consider discussing with its dual enrollment partner, if it has one, including an acknowledgement of the possibility that students may encounter individuals who have been convicted of crimes in any written agreement between the parties.

2. Class Dismissed Early/Student's Ride is Late

Community college districts with dually enrolled minors should strongly encourage them and their parents/guardians to have some form of communication in the event that students become ill, their class is dismissed early, or their ride is late. However, with the widespread availability of cell phones and ridesharing services, this should not be a significant issue for most students.

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During orientation, consider discussing with minor students and their parents whether they have a communication plan in place if plans change.

If a minor student's class is dismissed early or their ride is late, community college districts are generally not obliged to supervise those students until they are able to leave campus. While community college districts protect their students form foreseeable acts of violence in the classroom or other curricular activities,[53] they do not otherwise have a broad duty to supervise their students, even if the students are minors.[54] However, districts should take care to ensure that they put in place adequate safeguards against dangerous conditions on their campuses.[55]

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3. Disruption On Campus/Emergency

Community college districts should consider what arrangements may be needed if minor students are on campus during some type of disruption or emergency. Districts may do this as part of reviewing their emergency preparedness plans and procedures. Generally, districts should enforce the same plans and procedures towards minor students as it does for students and employees otherwise, but some distinctions may be appropriate. For example, districts may consider establishing specific assembly points for minor students on campus for emergencies. The administrator on duty should know where these assembly points are and supervise the minor students accordingly in the event of an emergency or disruption on campus. In conjunction with this, or especially if the minors will be sent to assembly points based on location at the time of emergency, districts should identify on class rosters which students are minors. Districts can do this simply by placing a symbol next to the student's name to identify them as a minor, which will better allow staff and campus police to communicate with parents/guardians as to minor students' location in an emergency.

During orientation, districts should advise minor students and their parents/guardians of the locations of assembly points and about their emergency preparedness plans and procedures generally. Further, districts should make minor students and their parents/guardians aware of its emergency notification system and that, in the event of an emergency or dangerous situation involving an immediate threat to the health or safety of members of the campus community, they will issue an emergency notification. Finally, a district may want to consider including a provision that states that it is the parent/guardian's responsibility to make transportation arrangements for their minor students in the event of an emergency and requesting contact information for emergency notifications in an orientation checklist.

4. Checklist for Emergencies

- ❑ Consider establishing a specific assembly point(s) for minors to use during an emergency
- ❑ Inform parents of minor students of the location of specific assembly point(s)
- ❑ Inform district employees and minor students of the location of specific assembly point(s)
- ❑ Request contact information for emergency notifications from parents of minor students during orientation
- ❑ Consider using a symbol on class rosters to identify minor students (*e.g.*, an asterisks (*) next to their name)

5. General Safety Tips

Often, community college districts provide general safety tips to their students. These may include things like advising students to be aware of their surroundings, to avoid walking alone at night, and to avoid walking in isolated or poorly lit areas. Districts should provide the same safety tips it does to its adult students to its minors students. Districts can also consider discussing providing expanded or additional tips to minors students, such as using a buddy

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system whenever possible or being cautious about connecting with adult peers and district staff through their personal social media accounts.

Community college districts should also consider what safety resources they have available and share a list of those resources with minor students. For example, some districts may have blue light phones around campus that students can use in the event of an emergency. District could consider sharing a map of the locations of the phones and instructions for use with minor students. As another example, some districts may offer escort services for students that need to travel across campus at night. Districts could provide the contact information for these services, as well as for campus safety or police departments, to minor students and encourage them to save the information in their phones.

6. MANDATED REPORTER OBLIGATIONS

Mandated reporting obligations are more likely to arise the more minors are present on campus, especially given the increase of dual enrollment within community college districts. Mandated reporters must submit a report to law enforcement whenever in their professional capacity, or within the scope of their employment, they have knowledge or observe a minor who they know or reasonably suspect to have been the victim of child abuse or neglect.[56] Reasonable suspicion does not require certainty, and mandated reporters do not need to do any investigation prior to making a report.

Child abuse includes sexual abuse.[57] Sexual abuse, in turn, includes sexual assault in violation of Penal Code sections 261 (rape), 261.5(d) (statutory rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), 287 or former 288a (oral copulation), 288(a), (b), or (c)(1) (lewd or lascivious acts upon a child), 289 (sexual penetration), and 647.6 (child molestation). However, sexual assault does not include voluntary conduct in violation of Penal Code sections 286, 287, 289, or former 288a, "if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age."

Mandated reporters include employees and administrators of a community college district whose duties bring them "into contact with children on a regular basis," or who supervise others with those kinds of duties.[58] Some common classifications that are mandated reporters include:

- Faculty members, teachers, and instructors;
- Counselors;
- Medical staff at a campus clinic;
- Campus safety and police; and
- Child care center workers.

The law does not address the obligations of mandated reporters when they are unsure if an individual is under age 18. In order to minimize such situations, community college districts could consider developing a process for notifying faculty members when they have minors

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enrolled in their courses, such as by placing a symbol next to minor students' names on a class roster.

While not required by law for all classifications, California's Child Abuse and Neglect Reporting Act ("CANRA") "strongly encourages" employers to provide employees with training regarding their mandated reporting obligations under CANRA, and, for that reason, districts may want to consider regularly providing mandated reporter trainings.[59] Such trainings should include training in child abuse and neglect identification and reporting. Note that if a college operates a licensed child day care facility, administrators and employees of such facility are required to attend mandated reporter training within 90 days of employment and every two years.[60] Moreover, even if training is not required for a particular classification, lack of training does not excuse a mandated reporter from their reporting duties.[61]

7. Checklist for Mandated Reporters

A district should prepare an internal facing webpage for employees, or physical resource in each department, that contains the specific local contact information to make a mandated report. This should include the phone number of the local law enforcement agency(ies) the employee is expected to call, the law enforcement agency's child abuse report form, and any instructions on how to complete the form.

The district should also create a specific local checklist of things to do when an employee is required to make a mandated report. If a mandated reporter knows of or reasonably suspects child abuse or neglect:

- ❑ Report to local law enforcement or county child welfare agency immediately by phone;
- ❑ Provide a follow-up report in writing within 36 hours;
- ❑ Follow any internal procedures relating to documenting reports (*e.g.,* prepare an incident report, communicate with supervisor, etc.) ;
- ❑ Maintain documentation of your reports (*e.g.,* time/date of your phone call and name/badge/ID of the law enforcement agent who received the report; copy of any form you submit to a law enforcement agency, etc.)

If in doubt, err on the side of reporting. Do not wait to "investigate" suspected child abuse or neglect.

8. Professional Boundaries

Community college districts may consider required professional boundaries training for faculty members who may have minor students in their classes, or other employees who regularly interact with minors on campus. Such a training would generally remind staff members of the importance of maintaining professional boundaries with minor students; however, the exact content of the training would depend on the rules that a district would like to impose on employees and should also be informed by any policies it already has in place regarding interactions with students. For example, a district may want to consider requiring faculty

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members to communicate with minor students only through district channels, such as the faculty member's district-issued email address. Districts may also discuss reminding employees that the content of communications with minor students should be appropriate for the minor and the student's parents to read.

SECTION 4 CONFIDENTIALITY ISSUES

Confidentiality concerns may arise in several contexts when there are minors present on campus.

A. COUNSELING CONFIDENTIALITY

Education Code section 72621 provides that "[a]ny information of a personal nature disclosed by a student 12 years of age or older" or by their parent/guardian while the student is "in the process of receiving counseling from a school counselor…is confidential." Any information disclosed in such circumstances also does not become part of the student's record, "without the written consent of the person who disclosed it." And, with certain exceptions, the disclosed information cannot be "revealed, released, discussed, or referred to."

Community college districts may want to consider bringing this information about counseling confidentiality to the attention of minor students and their parents/guardians by way of an orientation checklist. They may also want to consider providing training to counseling employees regarding the nuances of confidentiality in counseling.

B. FERPA

The Family and Educational Rights and Privacy Act ("FERPA") protects the privacy of student educational records.[62] All schools that receive funds through an applicable U.S. Department of Education Program must comply with this law.

Generally, FERPA affords parents the right to inspect their children's education records, the right to request correction of inaccurate or misleading records, the right to consent to the release of information from their children's records, and the right to notice before the district releases information from their children's records pursuant to a subpoena.[63] However, when a student turns 18 years old, or enters a postsecondary institution at any age, these rights transfer from the parents to the student.[64]

Nonetheless, a postsecondary institution may release information to a minor student's parent in the following three circumstances:

- If the parent still claims the student as a dependent for income tax purposes;[65]
- If there is a health and safety emergency;[66] or

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- If the student has committed a disciplinary violation regarding the use or possession of controlled substances or alcohol and the student is under 21 at the time of the disclosure.[67]

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Minor students enrolled in a district can inspect their own records because they are eligible students under FERPA. Districts should keep in mind, though, that many of the parents of minor students will still claim the students as dependents on their income tax returns; those students' parents can also access their minor child's records.

With respect to dually enrolled minor students, community college districts may share information with a student's high school. Also, a dually enrolled minor student's parents retain the right to inspect any record held by the student's high school, including records that a community college district submitted, regardless of whether the district can otherwise release information to the parents.[68]

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Although not required by Education Code section 76004, districts with students enrolled through the CCAP track should consider addressing FERPA issues in their CCAP Partnership Agreement.

Community college districts may want to consider addressing who may have access to a minor student's records in their Board Policy ("BP") regarding student records and making minor students and their parents/guardians aware of these issues through an orientation checklist.

C. Confidentiality of Medical Records

California's Confidentiality of Medical Information Act ("CMIA") regulates the disclosure of most health care records. In general, it provides that health care providers cannot share or release individual medical information without written authorization.[69] For a minor, their parent/guardian must sign the authorization, unless the minor could have lawfully consented to the care, as discussed in Section II.A.1.[70]

The Federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") regulations are generally consistent with the CMIA. As such, when a parent/guardian consented to the health care service, the parent generally has the right to control access to the minor's medical information. However, if a minor obtained the health care service based on their own consent, then HIPAA honors the minor's right under state law to control access to their own medical records.[71]

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1. HUMAN RESOURCES

As discussed in Section II.B.1 above, unlike a K-12 school district, community college districts do not have to exclude people who have been convicted of serious or violent felonies from employment. Indeed, an applicant or employee having a criminal record is generally not a sufficient basis for a community college district to deny an applicant employment or to terminate an existing employee, regardless of how many minor students that district may enroll. Instead, for most offenses, a district will have to show a nexus between the nature of the offense and the duties of the position.[72]

However, the Education Code prohibits the employment of individuals convicted of certain controlled substance and sex offenses, except in certain limited circumstances.[73] The Education Code also allows governing boards to immediately put faculty members charged with such offenses on unpaid leave.[74] Additionally, in merit system districts only, the governing board may place classified employees charged with such offenses on unpaid leave.[75]

Education Code section 87405 explicitly forbids community college districts governing boards from employing, or retaining in employment, persons who have been convicted of any sex or controlled substance offense, unless otherwise exempt.

Education Code section 88022 prohibits hiring or retaining any classified employee who has been convicted of a sex or controlled substance offense as defined in Education Code section 87010 or 87011. Also similar to the provisions applying to academic employees, Section 88022 provides limited circumstances under which the prohibition against employment does not apply. However, for classified employees and applicants, the circumstances are more narrowly drawn and differentiate between controlled substance and sex offenses. For classified staff and applicants convicted of a sex offense, employment is not prohibited only where the "conviction is reversed, and the person is acquitted of the offense in a new trial or the charges against him or her are dismissed."

As with academic employees, Education Code section 88023 prohibits employing or retaining in employment any classified employee, "who has been determined to be a sexual psychopath," as defined in section 6300 of the Welfare and Institutions Code, or similar provisions of law of any other state. Section 88023 does not apply, however, if the determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding, or the proceeding is dismissed.

LCW Practice Advisor

HR and instructional leadership should work together to review CCAP or dual enrollment agreements to ensure the background check language for CCD faculty teaching minors is accurate. Because K-12 districts sometimes propose higher levels of background checks than are legally required or typically conducted by CCDs, careful review is

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necessary. This helps ensure the district is fulfilling the terms it agrees to and not inadvertently committing to something beyond its practices or legal obligations.

SECTION 5 INSTRUCTIONAL ISSUES

A. PARENT/GUARDIAN INVOLVEMENT IN CLASS

While parents/guardians of minor students may have some right to inspect their student's records, they should likely be otherwise minimally involved in their student's coursework, at least from the community college district's perspective. For example, parents/guardians of minor students have no right to accompany their children to class. In addition, parents/guardians cannot complete a minor student's work for them—the work submitted must be that of the student, or the district's academic dishonesty policy will apply. Community college districts may want to consider addressing these issues through an orientation checklist.

B. NOTIFYING FACULTY THEY HAVE MINORS IN CLASS

Community college districts are not obligated to notify faculty when there are minors enrolled in their classes. However, for a number of reasons discussed throughout this guide, such as to make mandated reporting obligations easier, districts may want to consider providing faculty some form of notice. For example, minor students could have a symbol placed next to their name on the class roster.

LCW Practice Advisor

Before the start of each semester, consider ensuring that faculty members know whether there are minor students enrolled in their courses and how they can identify those students. This communication may be achieved by a notation on the enrollment information provided to the faculty or in some other manner (*e.g.,* through the dual enrollment coordinator).

C. CURRICULUM ISSUES

1. ACADEMIC RIGOR

Non-CCAP track minor students are admitted to community college districts after there has been a determination that they can benefit from attending college level courses. As a result, courses in which minor students are enrolled can and should still maintain normal collegiate standards of scholarship.

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Although the CCAP track's purpose is to expand dual enrolment for students who may not already be college bound or who are underrepresented in higher education, courses that are part of the CCAP track will generally also be college-level courses, except for developmental math or English courses under certain circumstances.[76] Therefore, most courses on the CCAP track also can and should maintain normal collegiate standards of scholarship.

Community college districts could consider discussing adopting a BP and AP that address the admission of minor students and explain that college-level courses will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.

LCW Practice Advisor

Districts should review any BP(s) and AP(s) they may have regarding admission of minor students to ensure that they clearly convey that classes will be taught at the college level. CCLC's model procedure on this issue is AP 5011.

Districts should also discuss this with minor students and their parents during orientation.

Districts may also want to consider ensuring that minor students and their parents/guardians are aware that the grades the students earn in dual enrollment courses will be part of their permanent student record and college transcript, perhaps through an orientation checklist. Notably, minor students may not be aware that earning poor grades in dual enrollment courses could hurt their chances of receiving financial aid and their eligibility to enroll in a four-year college or university.[77]

2. The Syllabus Controls Course Content and Grading

Each community college or district's curriculum committee must approve all courses and programs.[78] Each district's board must approve all credit courses and programs,[79] and, ultimately, districts must submit all credit courses to the state Chancellor's Office.[80]

The content for a course is set out and approved through a course outline of record. This outline contains not only technical information, such as the unit value and expected number of contact hours, but also information about the objectives and content of the course, including "examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation."[81]

While a course outline of record contains the basic requirements and components of the course that all instructors must teach, a syllabus describes how a particular instructor will meet the requirements of the course outline of record through specific assignments. Specifically, a syllabus may provide important dates, grading standards, and rules of the conduct that the individual instructor requires. The instructor's syllabus controls the course assignments and grading.

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Both the course outline of records and the syllabus function as a kind of contract with the student for what will occur in the course. That is, students, including minor students, are generally bound by the terms of the syllabus. Parents/guardians of minor students do not have the right to approve assignments, and alternative assignments are usually not available on demand. Instead, in most cases, the discretion to allow alternate assignments rests with the faculty member.

A district may want to consider having its orientation checklist explain that, while students with disabilities may receive reasonable accommodations, it will not alter course expectations or assignments because a student is a minor.

3. Adult Discussions in Class

Community college districts offer courses that are generally geared towards adults, not only in terms of academic rigor but also in terms of content. While adult discussions may not be a significant issue in a mathematics course, other courses could easily involve content that the parents/guardians of minor students may consider controversial or that may be too mature for a minor student, especially one in the middle grades. For example, many community college districts offer sexualities studies programs, and some parents/guardians may feel that some of the topics covered in the courses for that program would be inappropriate for their minor child. However, as discussed above, minor students and their parents/guardians have no right to demand that the district or an instructor adjust, exclude, or modify the college curriculum because of the presence of the minors.

For CCAP track programs, community college districts should carefully consider what kinds of courses are appropriate to include as part of the program and select courses likely to explore content that would generally be appropriate for minor students. For non-CCAP track programs, community college districts can establish admission *or enrollment* restrictions for minors based on age or grade level.[82] In other words, districts may choose to restrict enrollment in particular courses that would not be suitable for minors.

Districts may also consider warning the parents/guardians of minor students that their children may be exposed to mature instructional content. This could be done through an orientation checklist, which should also, more broadly, make parents/guardians aware that the minor student is entering a mainly adult environment, and that adult issues will be discussed in many classes.

4. Field Trips

Community college districts may conduct field trips or excursions within California or in any other state, if they are connected to courses of instruction or are instructionally-related social, educational, cultural, athletic, or band activities.[83] They may also conduct field trips or excursions to foreign countries to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for the students.[84]

Of course, field trips pose different risks than in-class instruction does, both for minor and adult students. In this regard, the Education Code and the California Code of Regulations address a

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community college district's potential liability related to off-campus activity generally, as well as related to field trips or other excursions specifically.

Education Code section 87706 provides that a community college district does not have a duty to students for their conduct or safety and is not subject to a claim by the student for negligence when the student is off school property. However, there are exceptions to this protection from liability. Section 87706 further provides that a district may be liable for a student's conduct or safety when they are off school property, if it has done any of the following:

- Provided transportation;
- Undertaken a school-sponsored activity off the premises;
- Specifically assumed the responsibility or liability; or
- Failed to exercise reasonable care under the circumstances. [85]

Thus, pursuant to Section 87706, a district would be normally liable for harm suffered by students, minors and adults alike, on field trips, given that they are a school-sponsored activity that takes place off campus.

However, pursuant to Title 5 of the California Code of Regulations, all people participating in field trips or excursions are deemed to have waived all claims against the community college district for injuries that occur on the field trip or excursion. If an issue were to arise because a lack of supervision of a minor student during an off-campus overnight field trip, a district would likely be able to argue this immunity applies. Moreover, the regulations require that all adult students and all parents/guardians of minor students taking out-of-state field trips or excursions sign a waiver of claims.

Finally, while community college districts protect their students from foreseeable acts of violence in the classroom or other curricular activities,[86] they do not otherwise have a broad duty to supervise their students.[87] This is true even if the students are minors. In other words, minor students of community colleges are treated the same as adult students and do not legally require special accommodations or supervision, even while on field trips or excursions. There are practical suggestions, including housing minor students with one and other where possible and implementing a "buddy" system for minor students.

LCW Practice Advisor

Determining how closely to supervise minor students on a field trip is a balancing act. On the one hand, parents of minor students may expect close supervision. On the other hand, dually enrolled minors are college students and should be treated as such. Other factors to consider include content/activity of the field trip, age of the students, location and environment, group size, and individual student needs.

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SECTION 6 DISCIPLINE ISSUES

The governing board of each community college district shall adopt or provide for the adoption of a student code of conduct.[88] Minor students of a community college district are subject to this student code of conduct, just as adult students are, and violations of the student code of conduct should be enforced against minor students the same as with all students. Thus, as with adult students, minor students may be removed from class, suspended, or expelled.

Specifically, a district's student code of conduct may authorize the president of a community college or their designee to suspend a student from one or more classes and activities for a day or potentially up to multiple terms for good cause.[89] If a district suspends a minor student, then the president or their designee must notify the student's parent/guardian. A district's board may also expel a student for good cause, if other means of correction fail to bring about the proper conduct, or if the student's presence causes a continuing danger to the physical safety of the student or others.[90]

When a district's board considers the suspension of or other disciplinary action against a student, it shall do so in closed session, if holding a public hearing would violate the student's privacy rights and unless the student requests otherwise.[91] Prior to holding the closed session, the board must notify a minor student and their parent/guardian of its intention to hold the closed session by registered or certified mail or by personal service.

A district's student code of conduct may authorize an instructor to remove a student from their class for the remainder of the day and the next class.[92] If an instructor removes a minor student from class, then the college president or their designee must ask the student's parent/guardian to attend a parent conference regarding the removal as soon as possible, and the instructor or the parent/guardian may also request that a college administrator attend the conference.[93]

Relatedly, Education Code section 87044 requires that, if a community college official releases a minor student to a peace officer for the purposes of removing the minor from campus, then the official must take immediate steps to notify the minor's parent/guardian or a responsible relative of the release to a peace officer and the place to which the minor is reportedly being taken. Community college districts should include this information in a BP or an AP.

Dual enrollment or CCAP agreements often spell out notice requirements and communication between the school district and the community college district. Thus, if a student is disciplined, there may be an additional obligation to notify the partner school district of the action(s).

Community college districts should consider discussing ways to ensure that minor students and their parents/guardians understand the district's standards for student conduct. For example, during orientation, the district could provide a copy of the student code of conduct, and it could address discipline processes through an orientation checklist, as well.

LCW Practice Advisor

For minor students admitted through the CCAP track, review the CCAP agreement prior to disciplining the

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student. It may contain obligations additional to those in the Education Code.

SECTION 7 TITLE IX ISSUES

Title IX of the Educational Amendments Act of 1972 ("Title IX") is the federal law that prohibits sex discrimination in educational programs and activities receiving federal funds.[94] Although Title IX does not specifically reference "harassment," the United States Supreme Court has held that Title IX's ban on sex discrimination encompasses a ban on sexual harassment.[95] There are three categories of sexual harassment to which Title IX applies:

- Quid pro quo, where an employee conditions an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct so severe, pervasive, and objectively offensive that it effectively denies a person equal access to their education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking.[96]

Whenever a community college district has actual knowledge of sexual harassment, the Title IX regulations generally require that they respond "promptly in a manner that is not deliberately indifferent."[97] More specifically, the regulations require that community college districts must have a grievance procedure that provides for the prompt and equitable resolution of a formal (written) complaint of sexual harassment.[98] With respect to minor students, they or their parents/guardians may submit a formal complaint.[99]

Grievance procedures generally involve providing notice to the parties of the allegations of sexual harassment, then investigating those allegations.[100] As part of the investigation, districts must provide the parties the opportunity to review and respond to relevant evidence gathered during the investigation and to a draft of the investigation report.[101] If a minor student's parent/guardian has the legal right to act on their behalf, they may participate in the grievance procedure, such as by accompanying the student during interviews or a hearing, in addition to an advisor of the student's choice. Relatedly, districts should provide any notices required by the Title IX regulations to a minor student and their parents/guardians, if they have parental rights under state law.[102]

Notably, the requirements for grievance procedures at K-12 school districts and community college districts differ. Following an investigation of the allegations, the Title IX regulations require that postsecondary institutions, but not K-12 school districts, offer a live hearing.[103] The preamble to the regulations confirms that a postsecondary institution still must hold a live hearing, even if the complainant is a minor, noting that the regulations contain protections to mitigate against potential re-traumatization.[104] Thus, the preamble's advice for postsecondary

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institutions to train their investigators and decision-makers in questioning minors is also well taken, especially if a postsecondary institution has a large number of dually enrolled students. Finally, dual enrollment or CCAP Partnership agreements often describe communication obligations between the community college district and school district (a recommended best practice for those agreements). When a Title IX (or harassment/discrimination) complaint has been filed, the community college district should notify the school district, if required by the dual enrollment or CCAP Partnership agreement.

LCW Practice Advisor

For minor students admitted through the CCAP track, check the CCAP agreement when initiating a Title IX grievance procedure. It may contain obligations additional to those in the Title IX regulations.

SECTION 8 CONSIDERATIONS FOR VENDORS AND EXTERNAL ORGANIZATIONS HOSTING MINORS ON CAMPUS

The Civic Center Act[105] allows community college districts to permit organizations to use district facilities when it does not interfere with the district's own activities. Pursuant to the Civic Center Act, districts may allow "nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, educational purposes, or the civic well-being of the community" to use its facilities for free or charge only "direct costs," which include things like the cost of utilities and janitorial services.[106] For other kinds of organizations, districts may allow them to use their facilities as well, but may charge them more; districts can charge other organizations direct costs, also including a share of the cost of things like maintaining or repairing the facilities, or a fair rental value.[107]

Some organizations that wish to use a district's facilities pursuant to the Civic Center Act may be hosting minors, such as by holding a summer camp on campus. For ***any*** organization that wishes to use a district's facilities, and especially organizations who will be hosting minors, the district should consider entering into a written facilities use agreement that clearly outlines permitted uses and responsibilities, ensures the organization obtains proper liability and insurance coverage, and defines each party's obligations and fees.

With respect to liability insurance, districts should strongly consider requiring liability insurance for any organization using its facilities. If liability insurance is required, the statutory minimum coverage limits is $1,000,000, but districts can and should require higher coverage based on the nature of the use.[108] Districts may also want to consider whether other forms of insurance are appropriate for organizations that will be hosting minors,. In particular, districts may want to consider requiring sexual abuse and molestation coverage for organizations that will be hosting minors. In any event, including proof of insurance and indemnification provisions in the

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facilities use agreement will help protect the district from liability or potential lawsuits related to the user's event.
Districts should also consider what other requirements it may want to place on organizations that will be hosting minors through a facilities use agreement. For example, a district may consider requiring certain supervision ratios or certification that the organization complies with any applicable requirements related to background checks.

SECTION 9 POLICIES AND PROCEDURES

Community college districts with dually enrolled and other minor students may need to adopt additional BPs and APs or modify existing BPs and APs to ensure that they reflect relevant considerations for minor students, as discussed throughout this guide. In particular, districts should consider discussing reviewing or adopting, as applicable, the following BPs and APs, which are listed with reference to the Community College League of California's Model Policy numbers:

BP 3410	AP 3410	Nondiscrimination
BP 3433	AP 3433	Prohibit of Sexual Harassment under Title IX
BP 3500	AP 3500	Campus Safety
BP 3505	AP 3505	Emergency Response Plan
	AP 3516	Registered Sex Offender Information
BP 3518	AP 3518	Child Abuse Reporting
BP 5010		Admission and Concurrent Enrollment
	AP 5010	Admissions
	AP 5011	Admission and Concurrent Enrollment of High School and Other Young Students
BP 5015	AP 5015	Residence Determination
BP 5110	AP 5110	Counseling
BP 5200	AP 5200	Student Health Services
	AP 7500	Volunteers

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APPENDIX A

SAMPLE ORIENTATION CHECKLIST

Note: Districts Should Tailor This Orientation Checklist To Their Local Policies/Procedures/Practices. Before Using, Carefully Review And Adjust Based On District Practices. Anything Included On This Checklist Must Be Implemented By The District.

Student Name:_____ DOB: _____
Student ID No.: _____

1. INSTRUCTIONAL ISSUES

A. ACADEMIC RIGOR

I understand that courses in my child/student may be permitted to enroll will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline of record.

_____
Initials

The College will provide me with a copy of the course outline of record before my child/student enrolls in any college course when I request it.

_____
Initials

B. FIELD TRIPS

I understand that some courses and extracurricular activities may require or permit field trips, including overnight field trips. In the event that my child/student attends overnight field trips, I understand that my child/student will be housed in the same manner and supervised to the same level as adult students.

_____
Initials

C. ADULT DISCUSSIONS IN CLASS

I understand that my child/student will be attending courses geared toward adults. I understand that my child/student may be exposed to mature instructional content.

_____
Initials

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D. THE SYLLABUS CONTROLS COURSE CONTENT AND GRADING

I understand that each instructor's syllabus will control the course assignments and grading. I further understand that alternate assignments may not be available. In most cases, the discretion to allow alternate assignments rests with the faculty member.

_____
Initials

I understand that I cannot accompany my child/student to class.

_____
Initials

My child/student and I understand that the student's work must be their own.

_____
Initials

My child/student and I understand that they are establishing a college transcript. My child/student may be able to alleviate substandard work, consistent with Board Policy and state regulations, but the transcript is permanent.

_____
Initials

2. DISCIPLINE ISSUES

My child/student and I understand that they are subject to the Student Code of Conduct and Academic Dishonesty Policies. We have reviewed the Student Code of Conduct and Academic Dishonesty Policies, and my student will abide by them.

_____
Initials

I understand that state law provides that, in the unlikely event that the College President or other community college official releases my child/student to a peace officer for the purpose of removing them from the school premises, the official will take immediate steps to notify me or another responsible relative of the release and the place to where my child/student is being taken.

_____
Initials

3. SAFETY ON CAMPUS

A. MEGAN'S LAW ISSUES

I understand that the District generally does not have information about the criminal background of its students or members of the public who visit the College's campus, and, as a result, there may be convicted sex offenders or other people who have been convicted of a crime on the

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College's campus at times.

_____
Initials

B. Class Dismissed Early/Student's Ride is Late

My child/student and I have discussed the importance of staying in touch in the event that they become ill, their class is dismissed early, or their ride is late.

_____
Initials

C. Disruption on Campus/Emergency

I understand that there may be times when there may be some type of disruption or emergency on campus. My child/student and I have established a meeting place in case our normal pick-up routine is disrupted, or our normal pick-up spot is otherwise unavailable.

_____
Initials

My child/student and I have been provided a map showing the locations of assembly points and a copy of the District's emergency preparedness plans and procedures.

_____
Initials

I understand that the District has an emergency notification system and consent to receiving emergency notifications. My telephone number is: _____.

_____
Initials

4. Confidentiality

A. Confidentiality of Student Records

I understand that under federal law, generally the right to control student records transfers to the student when he or she attends a postsecondary school. I further understand that the District may release information to me in three circumstances: 1) if I claim my child/student as a dependent for income tax purposes; 2) if there is a health and safety emergency; and 3) if my child/student has committed a disciplinary violation regarding the use or possession of controlled substances or alcohol and they are under 21 at the time of the disclosure.

_____
Initials

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B. Confidentiality of Counseling Records

I understand that under state law, any information, including information of a personal nature my child/student or I disclose in the process of my child/student receiving counseling from a college counselor is confidential. This information will not become part of my child/student's student record without the written consent of the person who disclosed the confidential information.

_____
Initials

C. Media Release

I authorize the District to photograph and/or to make video or audio recordings of my child/student, and further authorize the District to use my child/student's name, voice, signature, photograph, biography, or likeness, in any and all District publications or promotions in any media whatsoever, for any period of time, and without approval and without any compensation from the District.

_____
Initials

5. Health and Safety Issues

A. Liability for Rendering First Aid

I understand that the District is not liable for rendering reasonable medical treatment to my child/student without my consent when my child/student is ill or injured during regular school hours, requires reasonable medical treatment, and I cannot be reached, unless I have previously filed with the district a written objection to any medical treatment other than first aid.

_____
Initials

I understand that I may initial here if I object to the District or any health care provider acting at the District's request providing Student with any emergency medical treatment other than first aid.

_____
Initials

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ACKNOWLEDGEMENT

My child/student and I have had the chance to review and discuss all the information contained in this Orientation Checklist. I understand that I am bound by the provisions of this Orientation Checklist and by the District's Board Policies and Procedures.

_____ _____
Signature of Parent or Guardian Date

_____
Printed Name

_____ _____
Signature of Student Date

_____
Printed Name

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ENDNOTES

[1] Family Code § 6500.

[2] Education Code § 76000 *et seq*.

[3] Education Code § 76004(a)(1).

[4] Education Code § 76004(a)(3).

[5] Education Code § 76004(b) (x).

[6] Education Code § 76004(c)(1).

[7] Education Code § 76004(c)(1).

[8] Education Code § 76004(c)(1).

[9] Education Code § 76004(c)(1).

[10] Education Code § 76004(c)(1).

[11] Education Code § 76004(c)(2).

[12] Education Code § 76004(h). These offenses are discussed further in Section IV.

[13] Education Code § 76004(i).

[14] Education Code § 76004(j).

[15] Education Code § 76004(k).

[16] Education Code § 76004(l).

[17] Education Code § 76004(m)(1).

[18] Education Code § 76004(m)(2).

[19] Education Code § 76004(n).

[20] Education Code § 76004(c)(3).

[21] Education Code § 76004(u)(1).

[22] Education Code § 76004(p).

[23] Education Code § 76004(q).

[24] Education Code § 76060.5.

[25] Education Code §76223.

[26] Education Code §76300.

[27] Education Code §76350.

[28] Education Code §79121.

[29] Education Code § 76004(f).

[30] Education Code § 76140(a)(4).

[31] Education Code §§ 76001, 48800, 48800.5, and 52620.

[32] Education Code § 48800.

[33] Education Code § 48800.5.

[34] Education Code § 52620.

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[35] Education Code § 48800(d)(1).

[36] Education Code § 76002(b).

[37] Education Code § 76001(b).

[38] Education Code § 76001(d).

[39] Education Code § 76300(f).

[40] Education Code § 76140(a)(4).

[41] *See* Section III.C.

[42] Family Code § 6925.

[43] Family Code § 6928(a), (b).

[44] Family Code § 6928(c).

[45] Family Code § 6926(b). *See also*, Health & Safety Code § 121020(a)(1).

[46] Family Code § 6926(a). Cal. Code Regs. Title 17, § 2500(j) provides a list of reportable diseases.

[47] Family Code § 6927.

[48] Family Code § 6929.

[49] Family Code § 6924.

[50] Penal Code § 290.46.

[51] Penal Code § 290.

[52] Education Code § 87405. For additional information on this topic, see Section IV.

[53] *Regents of University of California v. Superior Court* (2018) 4 Cal.5th 607.

[54] *Avila v. Citrus Community College District* (2006) 38 Cal.4th 148.

[55] *See, e.g., Peterson v. S.F. Cmty. Coll. Dist.*, 36 Cal. 3d 799, 812, 205 Cal. Rptr. 842, 850, 685 P.2d 1193, 1201 (1984)

[56] Penal Code §11166(a).

[57] Penal Code §11165.1.

[58] Penal Code §11165.7(a)(41).

[59] Penal Code §11165.7(c)(1).

[60] Penal Code §11165.7(e)(1).

[61] Penal Code §11165.7(f).

[62] 20 U.S.C. § 1232g.

[63] 20 U.S.C. § 1232g.

[64] 34 C.F.R. §§ 99.3, 99.5.

[65] 34 CFR § 99.31(a)(8).

[66] 34 CFR § 99.31(a)(10).

[67] 34 CFR § 99.31(a)(15).

[68] *See* https://studentprivacy.ed.gov/faq/if-student-under-18-enrolled-both-high-school-and-local-college-do-parents-have-right-inspect.

[69] Civil Code § 56.10.

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[70] Civil Code § 56.11(b).

[71] 45 CFR § 164.502.

[72] Government Code § 12952.

[73] Education Code § 87405.

[74] Education Code § 87736.

[75] Education Code § 88123.

[76] Education Code § 76004(n).

[77] *See* https://icangotocollege.com/student-support-services/dual-enrollment#card-2.

[78] 5 C.C.R. § 55002(a)(1).

[79] Education Code § 70902(b)(2); 5 C.C.R. § 51022(a).

[80] 5 C.C.R. § 55100.

[81] 5 C.C.R. § 55002(a)(3).

[82] Education Code § 76002(b).

[83] 5 C.C.R. § 55220(a)(1).

[84] 5 C.C.R. § 55220(a)(1).

[85] Education Code § 87706.

[86] *Regents of University of California v. Superior Court* (2018) 4 Cal.5th 607.

[87] *Avila v. Citrus Community College District* (2006) 38 Cal.4th 148.

[88] Education Code § 66300.

[89] Education Code §§ 76030, 76031.

[90] Education Code § 76030(a).

[91] Education Code § 72122.

[92] Education Code § 76032.

[93] Education Code § 76032.

[94] 20 U.S.C. § 1681(a).

[95] *Franklin v. Gwinett County Public Schools* (1992) 503 U.S. 60, 75-76 [112 S.Ct. 1028].

[96] 34 C.F.R. § 106.30(a).

[97] 34 C.F.R. § 106.44(a).

[98] 34 C.F.R. § 106.45(b).

[99] 34 C.F.R. § 106.6(g).

[100] 34 C.F.R. § 106.45.

[101] 34 C.F.R. § 106.45(b)(5)(vi).

[102] Fed. Reg., Vol. 85, No. 97, p. 30453-30454.

[103] 34 C.F.R. § 106.45(b)(6).

[104] Fed. Reg., Vol. 85, No. 97, p. 30488-30489.

[105] Education Code §§ 82537, 82542, 82548.

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[106] Education Code § 82542(a), (b).

[107] Education Code § 82542(c).

[108] Education Code § 82548.

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