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CHIEF STUDENT SERVICES OFFICERS (CSSO) ANNUAL STUDENT SERVICES CONFERENCE

Dual Enrollment and Minors on Campus: What You Need to Know

9/15/2021

PRESENTED BY:

Pilar Morin, Eileen O'Hare-Anderson &
Yesenia Z. Carrillo

Dual Enrollment and Minors on Campus: What You Need to Know

Chief Student Services Officers (CSSO) Annual Student Services Conference | September 15, 2021

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AGENDA

1. Minor Students and Dual Enrollment
2. Mandatory Reporting
3. Title IX and Minors
4. Health and Safety: Minors Right to Consent to Medical Care and Privacy in Records
5. FERPA
6. Discipline of Minors on Campus



Admission of Minors

- The decision to admit a student rests with the district
 - Guiding statutes:
 - Education Code § 76001 et seq.
 - Education Code § 48800 et seq.
- Notifying faculty
 - Faculty may be notified a minor in class
 - But it is not required.

Minors on Campus

- Dual enrollment allows students to earn college credit for college courses completed while in high school
- Students are
 - Taking college courses at their high school campus;
 - Attending college campuses for courses; or
 - Attending high schools on college campuses.

Ed. Code § 76004

Mandated Reporting



Case Study

The Cactus High School Program at Succulents Valley College provides high school students the opportunity to complete their last two years of high school at Succulents Valley College, taking both high school and college classes. Cactus High School students must follow the policies and regulations of their school district and of the community college district.



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Case Study (cont'd)

Fatima, a senior at Cactus High School, alleges that Vishal, her ex-boyfriend, raped her in the parking lot after class. Fatima is 17 and Vishal is 18.

Fatima writes about the rape in her English class as part of an assignment. After Professor Jones asks her about it, she tells him everything.



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Case Study (cont'd)

Fatima asks Professor Jones not to report it because Vishal has been accepted to Stanford University and she does not want to put his admission in jeopardy.

Is Professor Jones a Mandated Reporter?



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Who Is a Mandated Reporter?

- All faculty members, teachers, instructors at a community college district
- Counselors
- Medical staff at campus clinic
- Campus safety and police
- Child care center workers
- Administrators and classified employees of a community college district if the scope of employment places them in contact with children on a regular and continuous basis such that evidence of child abuse or neglect would be readily apparent

When Is a Mandated Reporter Required to Make a Report?

- When a mandated reporter reasonably suspects child abuse and/or neglect
 - Objectively reasonable
 - Based upon facts
 - A reasonable person in a like position
 - Drawing on training and experience
 - Suspects child abuse or neglect

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Mandated Reporting Procedures

- To whom do you report?
 - Law enforcement or child protective services
- When do you report?
 - Telephone your report immediately
 - Within 36 hours, follow up with written report
- What if you do not report?
 - It is a misdemeanor
 - You may be held criminally liable
 - Action against teaching credential



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Title IX Regulations and Minors



Case Study

Fatima's mother accompanies her to see Professor Jones to asks whether there is an internal complaint procedures available for Fatima to file a complaint against Vishal at the college.

What should Professor Jones do?

Professor Jones should inform them yes, and refer them to the Title IX Officer.

What is Title IX?

Title IX prohibits discrimination that is:

- On the basis of sex
- In education programs or activities
- Receiving federal financial assistance

- Protects against sexual harassment

20 U.S.C. § 1681 *et seq.*
34 C.F.R. § 106 *et seq.*

Sexual Harassment: Three Categories

- Quid pro quo: An *employee* conditioning an aid, benefit, or service on complainant's participation in unwelcome sexual conduct
 - Unwelcome conduct so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to education program or activity; or
 - Sexual assault, dating violence, domestic violence, or stalking
- 34 CFR § 106.30
- If it falls outside of these categories use California procedures, title 5 of the California Code of Regulations

Title IX Regulations

- The rules prescribed by the Title IX regulations apply when a student makes a formal complaint of sexual harassment
- With respect to minors, a minor student or their parents may submit a signed formal complaint

34 C.F.R. §106.6(g)

Title IX Regulations

- The Title IX Regulations establish a system for primary and secondary schools and separate system for postsecondary institutions
- Minors attending postsecondary institutions are subject to the rules and regulations that apply with limited consideration for their status as minors

Title IX Preamble, p. 30053-30054; 34 C.F.R. §106.45(b)(6)

Title IX Regulations: Minors

- Postsecondary institutions that operate daycare facilities, elementary and secondary schools, dual enrollment or other programs for minors may establish age-appropriate rules and approaches, so long as the discretionary rules apply equally to complainants and respondents

Title IX Preamble, p. 30488-30489

Title IX Regulations: Grievance Procedures and Minors

- A minor's parent or guardian may participate in grievance procedure to the extent the parent or guardian has any legal right to act on behalf of the student
- The FERPA definition of "eligible students" applies to minors on postsecondary institutions

Title IX Preamble, p. 30453; 34 C.F.R. 106.6(g)

Title IX: Grievance Procedure and Minors

- Required notices must be provided to students and absent an internal policy, the parent or guardian is only entitled to the notice if under state law they have parental rights
- Complainants who are minors have the right to an advisor in addition to their parent or guardian participating in the grievance process
- A parent or guardian's legal right to participate as determined by state law

Title IX Preamble, p. 30453

Minor's Privacy Rights and Consent Rights: Medical Care/Records and Educational Records



Case Study

Fatima's mom wants to see the medical records kept at the college's medical center as she believes that they will be evidence that Fatima was raped. Fatima does not want her mother to see her health records. Fatima received family planning services and she has seen a therapist at the health center.

Do students who are minors need their parents' consent for these services? Do parents have the right to see those records?



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Title IX: Minor Privacy Rights in Medical Records

- Minors involved in Title IX complaints have the right to consent release of their medical records pursuant to state law
- A Parent or guardian has the right to consent on behalf of the minor child to the extent permitted by state law. (Title IX Preamble, p. 30453)
- In our case study, we need to follow California Law

Health – Family Planning

- Family Planning
 - A minor may consent to medical care
 - Related to the prevention or treatment of pregnancy
 - A minor of any age
 - Includes contraception
 - Does not include sterilization

Family Code § 6925.

Health – Screening/Treatment

- Infectious, contagious, or communicable diseases
 - Minor may consent to diagnosis or treatment if:
 - 12 years of age or older; and
 - Disease required by law or regulation to be reported to local health officer or is a related STD.
- Sexually transmitted diseases (STD)
 - Minor may consent to medical care related to Prevention if:
 - 12 years of age or older.

Health & Safety Code § 121020; Family Code § 6926.

Health – Screening/Treatment (cond't)

- Rape and sexual assault
 - Minor 12 years of age or older alleging rape or sexual assault may consent to:
 - Medical care
 - Collection of related medical evidence

Family Code §§ 6927, 6928

Case Study

Fatima has also provided a lot of confidential information to her counselor. She is also concerned about her mother having access to her records of classes she has taken at the college.

Does Fatima have privacy rights in these records?



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Confidentiality - Counseling

- Information disclosed to a school counselor is confidential if:
 - Disclosed by a student over 12 years of age or parent and
 - Disclosed in the process of receiving counseling
 - Does not become part of the student record
 - Unless written consent from person disclosing
 - With a few exceptions, disclosure shall not be revealed, released, discussed or referred to

Education Code § 72621



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FERPA: Defining “Eligible Student”

- The Family Educational Rights and Privacy Act (FERPA) defines “eligible student” as a student who has reached 18 years of age or **is attending a postsecondary institution at any age**

(34 CFR § 99.3) 1232g(d.)



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Confidentiality – FERPA

- Generally, an eligible student has the right to:
 - Inspect his or her own records
 - Request correction of inaccurate or misleading records
 - Consent to release of information from his or her record
 - Notice before district responds to subpoena when allowed by law

20 U.S.C. 1232g;34 C.F.R. 99.31



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Minors Attending Postsecondary Institutions

- All rights under FERPA are transferred to the student regardless of age
- Postsecondary institutions may share information with student's high school if concurrently enrolled
- Parents retain the right to inspect any record held by their child's high school including records submitted by the postsecondary institution

Confidentiality – FERPA Exceptions

- District may release records to parents where:
 - The parent still claims the child as a dependent for tax purposes;
 - There is a health or safety emergency; or
 - The student commits a disciplinary violation regarding the use of alcohol or controlled substances and the student is under 21.

Discipline of Minors on Campus



Case Study

Susan is a student at Cactus High School. She is caught stealing a guitars from a music class at Succulent College and selling them on eBay. The college is moving to expel her.

Her parents want to know what her rights are in the discipline process?



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Discipline

- Discipline standards
 - Minors are subject to student code of conduct at the college
 - Includes academic dishonesty
- Discipline process
 - Generally the same as for adult students
 - Student *and parent* receive notices

Education Code § 72122



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Discipline

- Minor released to peace officer
 - Where the district releases the minor to a peace officer for the purposes of removal from the campus, a district official must take steps to notify the student's parent of the release and the place where the minor is to be taken
- Minor suspended from district
 - When a minor is suspended, the minor's parent must be notified in writing by the district president or designee

Education Code §§ 76031, 87044



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Discipline

- Minor removed from class
 - If instructor removes minor student from class for a day and the next class meeting:
 - The President or designee must ask parent to attend a conference regarding the removal as soon as possible
 - Remaining due process the same as adult students

Education Code §§ 76031, 87044

Parental Involvement In Class

- Parents attending class
 - Parents have no right to attend class with minor
- Parents completing student's work
 - Parents cannot do the minor student's work
 - Academic dishonesty
 - Can result in student discipline
 - Consider discussing ramifications with parent and student

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Thank You!

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