



<p><b>Alpha: Cornerstone Academy School</b>          1598 Lucretia Ave          San Jose, CA 95122          Principal: Emma Bean          ebean@alphapublicschools.org</p>	<p><b>Alpha: Cindy Avitia High School</b>          1881 Cunningham Ave          San Jose, CA 95122          Principal: Jorge Arellano          jarellano@alphapublicschools.org</p>
<p><b>Alpha: Blanca Alvarado School</b>          1601 Cunningham Ave          San Jose, CA 95122          Principal: Cynthia Nava Zavala          cnava@alphapublicschools.org</p>	<p><b>Alpha: Jose Hernandez School</b>          1601 Cunningham Ave          San Jose, CA 95122          Principal: Dr. Rosie Carlson          rcarlson@alphapublicschools.org</p>

# FAMILY HANDBOOK

## 2018-2019

\*SPANISH/VIETNAMESE TRANSLATION AVAILABLE IN MAIN OFFICE  
 \* *TRADUCCIÓN EN ESPAÑOL ESTAN DISPONIBLE EN LA OFICINA PRINCIPAL*  
 \* *DỊCH TIẾNG VIỆT CÓ SẴN TRONG VĂN PHÒNG*

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## **Mission and Vision**

We believe that all children have a fundamental right to an excellent education.

Alpha Public Schools will ensure that all of our scholars develop the academic skills and leadership habits required to succeed in college and live with integrity.

## **Lottery and Enrollment Procedures**

Admission to Alpha Public Schools is determined by a lottery system. Admissions preferences are given to siblings of current students, children of Alpha staff (Cornerstone Academy only), and students residing in the District per the school's charter. Seats are offered to students according to their numerical ranking until capacity is reached. All remaining names are placed on a waiting list in order according to their numerical rank. School staff will notify families when space becomes available and specify the timeframe for accepting the open space and submitting all paperwork.

Newly accepted students must be present during the first week of school or may risk losing their space.

## **School Year Calendar**

The most up to date school year calendar is available on the Alpha Public Schools website ([www.alphapublicschools.org](http://www.alphapublicschools.org)) and in the main office

## **School Schedules**

Alpha: Cornerstone Academy Preparatory School operates from 7:45 a.m. until 4:00 p.m., every day except Thursday which is minimum day (12:45 p.m. Dismissal).

Alpha: Blanca Alvarado School operates from 8:30 a.m. until 3:30 p.m., every day except Thursday which is minimum day (1:00 p.m. Dismissal).

Alpha: Jose Hernandez School operates from 9:00 a.m. until 4:00 p.m., every day except Thursday which is minimum day (1:30 p.m. Dismissal).

Alpha: Cindy Avitia High School operates from 8:00 a.m. until 3:30 p.m., every day except Thursday which is minimum day (12:42 p.m. Dismissal). Note: Your child may be required to stay

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for additional help from their teacher until 4:00pm on select days. If your child is required to stay we will notify you by text message.

All Alpha students are required to arrive at school on time and to remain in school until dismissal.

## **Attendance – General**

Attendance is the first step in ensuring academic achievement. **Regular attendance is required.** Parents and guardians are required to ensure that their children are in school and face strict penalties if they fail to meet these obligations pursuant to California law.

Alpha Public Schools loses approximately \$50 in state funding each day that a student is absent from school. Losing this funding means fewer resources for your child and their teachers.

### **Excused Absences**

A student may be excused legally from school when the absence is due to:

- Personal illness or injury;
- Quarantine under the direction of a county or city health officer;
- Medical, dental, optometric, or chiropractic services rendered;
- Attendance at funeral services for a member of the immediate family (1 day in state, 3 days out of state). “Immediate family” shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student’s immediate household;
- Exclusion for failure to present evidence of immunization;
- Exclusion from school because student is either the carrier of a contagious disease or not immunized for a contagious disease; Participation in religious instruction/exercises in accordance with school policy: No more than four (4) school days per month; and
- Upon written request of the parent or guardian and approval of the Principal or his/her designee and pursuant to board policy, a student’s personal justifiable absence may be excused. Reasons include, but are not limited to:
  - Appearance in court;
  - Jury duty
  - Observation of a holiday or ceremony of his/her religion;
  - Attendance at religious retreats not to exceed four (4) hours per semester;

- o Attendance at funeral services (for other than the immediate family);
- o Attendance at the pupil's naturalization ceremony to become a United States citizen.
- o Spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position
- o Serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code
- o Illness or medical appointment during school hours of a child of whom the pupil is the custodial parent

### **Unexcused Absences**

Unexcused absences are recorded for those absences not meeting the criteria for an "excused" absence as listed above including, but not limited to, personal family vacations, an unjustifiable and/or unverified student absence, or any other absence deemed "unexcused" by the school's administrative team. Excessive unexcused absences (more than 10% of school days) will place your student at risk for not being promoted to the next grade.

### **Verifying Absences**

The School will keep records of all student absences. **Parents are required to contact the school the same day or in advance of the absence to verify their student's absence.** A phone call, voicemail, or email verification is acceptable. Please do your best to call or email the office staff by 8:30am.

Alpha: Cornerstone Academy

Email: [blegaspi@alphapublicschools.org](mailto:blegaspi@alphapublicschools.org) or [lnghuyen@alphapublicschools.org](mailto:lnghuyen@alphapublicschools.org)

Phone: (408) 361-3876

Alpha: Blanca Alvarado School

Email: [mmontoya@alphapublicschools.org](mailto:mmontoya@alphapublicschools.org)

Phone: (408) 780-0831 ext. 105

Alpha: Jose Hernandez School  
Email: lgehrig@alphapublicschools.org  
Phone: (408) 780-1551 Ext. 303

Alpha: Cindy Avitia High School  
Email: druiz@alphapublicschools.org  
Phone: (408) 791-1558 Ext. 452

If the School does not receive notification from the parent, the School's staff will make reasonable efforts to contact the student's parent(s) or guardian(s) by telephone, writing, or in person. Other methods to verify absences include:

- Notes received from parent, guardian, or their representative;
- Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - Name of student;
  - Name of parent/guardian or parent representative;
  - Name of verifying employee;
  - Date or dates of absence; and
  - Reason for absence
- Visit to the student's home by the verifying school employee or authorized representative;
- Any other reasonable method that establishes the fact of the student's absence. This may include information gained from others judged to be reliable. A written recording shall be made, including information outlined above; and
- Absence verification forms from a licensed medical professional.
  - When excusing students for confidential medical services or verifying such appointments, School staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
  - A healthcare provider's note of illness will be accepted for any reported absence. When a student has had 14 absences in the school year for illness



verified by methods listed above without a healthcare provider's note, any further absences for illness must be verified by a healthcare provider.

### **Appointments**

Medical appointments should be made after school hours. The best times are after 4:00PM on weekdays and after 1:30PM on minimum Thursdays. If a student does have a medical appointment during the school day, they should not miss the entire day.

### **Early Dismissal**

Students are expected to stay in school until the very end of the day. Early pickups are disruptive to the learning environment and problematic for our teachers. No early pick-ups will be permitted 30 minutes prior to dismissal without prior approval from the School staff. Students who are frequently picked up early are subject to being considered truant and may lose in school privileges.

### **Disenrollment (Start of the School Year)**

New students who fail to show up for the first three (3) consecutive days of the school year will be contacted and may be disenrolled from the School. Before the School disenrolls any student, the parent or guardian of the student will be provided written notice, in the student's or parent/guardian's native language, of the School's intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the right to initiate the procedures specified below for suspensions, before the effective date of the action. If the student's parent, guardian, or educational rights holder initiates the procedures specified below for suspensions, the student shall remain enrolled and shall not be removed until the School issues a final decision.

### **Excessive Absences**

In a given school year, if a student has 3 unexcused absences or is tardy or absent for more than any 30 minute period during the school day without a valid excuse, they are considered truant. The School will work with families to find solutions to excessive absenteeism and tardiness. However, if there is no change in behavior, the School may file the appropriate reports with the Santa Clara County District Attorney's Office. The School will work to support families to improve attendance but excessively absent students may be subject to consequences, including losing field trip privileges, exclusion from special events that occur during the regular school day, and other activities or events that occur during the regular school day, as deemed appropriate by the School's administration.

### **Excessive Late Arrivals**

All students are expected to arrive at school on time. A student must report to the office if he or she is late for school. Tardiness is only excused if a student has a medical, dental, or legal appointment, or there has been a death in the family (as described above as valid excusals). Traffic, oversleeping, missing the bus are all UNEXCUSED tardies. All excused tardies require appropriate documentation, such as a note from a parent or doctor.

In a given school year, if a student has excessive late arrivals (10% of total number of school days), he or she will be considered a chronic truant and will be subject to consequences, including losing field trip privileges, exclusion from special events that occur during the regular school day, and other activities or events that occur during the regular school day, as deemed appropriate by the School's administration.

The School will enforce these policies uniformly, fairly, and consistently among all students.

## **Arrival & Dismissal Policy**

### **Arrival**

- School Openings
  - Alpha: Cornerstone Academy Preparatory School
    - Supervision begins at: 7:15am
  - Alpha: Blanca Alvarado School
    - Supervision begins at: 8:05am
  - Alpha: Jose Hernandez School
    - Supervision begins at: 8:30am
  - Alpha: Cindy Avitia High School
    - Supervision begins at: 7:30am
- Unless students and families have made an appointment with individual teachers or other staff beforehand, students and families must remain outside the building.
- Breakfast time on campus
  - Alpha: Cornerstone Academy Preparatory School
    - Breakfast begins at: 7:15am

- Alpha: Blanca Alvarado School
    - Breakfast begins at: 7:50am
  - Alpha: Jose Hernandez School
    - Breakfast begins at: 8:20am
  - Alpha: Cindy Avitia High School
    - Breakfast begins at: 7:30am
- Students are expected to respect all school property and all surrounding property while waiting for admittance into the school.

## **Dismissal**

- School Closing
  - Alpha: Cornerstone Academy Preparatory School
    - Supervision ends at: 4:05pm
  - Alpha: Blanca Alvarado School
    - Supervision ends at: 4:00pm
  - Alpha: Jose Hernandez School
    - Supervision ends at: 5:00pm
  - Alpha: Cindy Avitia High School
    - Supervision ends at: 4:00pm
- Families are responsible for picking up students on time.
- (K-8) No student will be allowed to leave the School without an adult escort or parent/guardian permission.
- (K-8) No student will be allowed to leave the School with an adult who is not his legal guardian unless the guardian has specified the adult as an authorized individual on the authorization form. This form must be submitted to the front office.
- (K-8) Families MUST submit a release form (provided in August) listing the names and information for any individuals, besides parent(s) / guardian(s), who regularly are authorized to pick up their children.

## Late Pick-Up Policy

Please pick-up your student on time or to arrange for an alternate person to pick them up in case of weather, traffic, personal or work-related event, or other emergency. Late pick-ups will not be tolerated for any reason. Staff time is valuable, and you may be subject to consequences for failing to timely pick up your child.

The following consequences will apply for late pick-ups:

- After the first late pick-up, the parent/guardian will receive a verbal warning.
- Each subsequent late pick-up will result in a written warning to the parent/guardian and a copy of the School's policy on late pickups.
- If a student is picked up late more than five (5) times, a conference will be scheduled with the parent/guardian and the administration.
- Any time there is a late pick-up, the School may consider your child abandoned and call the local police department and/or the Department of Social Services/Child Protective Services to arrange pick-up for your child.
- **After ten (10) late pick-ups have occurred, the School may contact the local police department and/or the Department of Social Services/Child Protective Services to report child neglect by the parent/guardian. Written warnings will be submitted to authorities as evidence of child neglect.**

## Homework

Homework is an essential part of the School's educational program: it is designed to reinforce skills taught in the classroom, to help students develop a deeper understanding of concepts, and to promote good study habits. Students are expected to complete homework regularly.

## **Student Discipline, Suspension, & Expulsion**

Teachers and administrators will use a large array of strategies to promote positive behavior and to correct problem behaviors. We also use consequences and a problem-solving approach to help students fix behavior problems. Students may lose privileges when they violate the rules.

The School's administrative team will work closely with teachers, families, and students to help them learn and grow and has the authority to decide on the appropriate consequences for student behavior. The administrative team may solicit parent / guardian input in certain situations, but they retain all decision-making authority.

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at the School. In creating this policy, the School has reviewed and the language below closely follows the California Education Code. The School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available on request at the School's Main Office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

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A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”) or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student’s educational rights holder, and shall inform him or her of the right to initiate the procedures specified below for suspensions, before the effective date of the action. If the student’s parent, guardian, or educational rights holder initiates the procedures specified below for suspensions, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the suspension and expulsion procedures described below.

**A. Grounds for Suspension and Expulsion of Students**

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring anytime including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school sponsored activity.

**B. Progressive Discipline**

The School believes in progressive discipline as a means to ensuring due process, intervention, and fairness to the disciplinary process. However, the School is committed first and foremost to the health and safety of our students and staff; and second to creating the strongest possible learning and teaching environment free from the distractions of poor student behavior. Accordingly, the following progressive discipline steps **SHALL NOT** preclude the immediate suspension and/or recommendation for expulsion of any student for any of the enumerated offenses listed below in Section C in accordance with the procedures outlined below. In addition, the following progressive discipline steps shall not preclude the initiation of alternative discipline/warning activities with a student and his/her parent(s) or guardian(s) upon the discretion of the Principal or designee.

1. Each teacher shall implement a school-wide classroom behavior strategy that is developed by the teachers, and explained to students and parents verbally and in writing and implemented consistently amongst all students unless otherwise dictated by Section 504 Accommodation Plan or Individualized Education Plan. Teachers shall facilitate the translation of the behavior strategy into a pupil or parent's primary language if in the teacher's professional judgment the translation is necessary for a parent or student's full understanding and support of the behavior strategy.
2. Each classroom behavior strategy shall specifically allow for the referral of a student to the Principal for any of the enumerated offenses listed below in Section C.
3. Upon the 1st referral in one school year of a student to the Principal:
  - a. A referral form shall be completed by the teacher with a copy for the student's file and a copy to be sent home to the parent/ guardian. This notice shall be followed by telephonic notice by the teacher to the parent or guardian. If the parent is unreachable after one attempt at the number given by the parent/guardian on registration forms, the teacher shall make a reasonable effort to leave a telephone message notifying the parent/guardian of the offense(s) committed by the student which resulted in the referral.
  - b. A student may be sent home for the day depending on the severity of the offense. The suspension shall be in accordance with the procedures described in Section D1 below.
4. Upon the 2<sup>nd</sup> referral in one school year of a student to the Principal:

- a. A referral form shall be completed by the teacher with a copy for the student's file and a copy to be sent home to the parent /guardian. This notice shall be followed by telephonic notice by the teacher to the parent or guardian. If the parent is unreachable after one attempt at the number given by the parent/guardian on registration forms, the teacher shall make a reasonable effort to leave a telephone message notifying the parent/guardian of the offense(s) committed by the student which resulted in the referral.
- b. A conference will be held with the student, the parent / guardian, the classroom teachers, and the administrative team in order to implement a behavior plan. At this conference, a follow-up date will be set to assess the progress of the student's behavior plan.
- c. A student may be sent home for the day depending on the severity of the offense. The suspension shall be in accordance with the procedures described in Section D1 below.

5. Upon the 3rd referral of a student in one school year to the Principal:

- a. A referral form shall be completed by the teacher with a copy for the student's file and a copy to be sent home to the parent(s) or guardian(s). This notice shall be followed by telephonic notice by the teacher to the parent or guardian. If the parent is unreachable after one attempt at the number given by the parent/guardian on registration forms, the teacher shall make a reasonable effort to leave a telephone message notifying the parent/guardian of the offense(s) committed by the student which resulted in the referral.
- b. The student may be suspended for 1-3 days with the amount determined by the discretion of the Principal taking into consideration the severity of the offense and the student's behavior history. The suspension shall be in accordance with the procedures described in Section D1 below.

6. Upon the 4th referral of a student in one school year to the Principal:



- a. A referral form shall be completed by the teacher with a copy for the student's file and a copy to be sent home to the parent(s) or guardian(s). This notice shall be followed by telephonic notice by the teacher to the parent or guardian. If the parent is unreachable after one attempt at the number given by the parent/guardian on registration forms, the teacher shall make a reasonable effort to leave a telephone message notifying the parent/guardian of the offense(s) committed by the student which resulted in the referral.
  - b. The student may be suspended for 3-5 days with the amount determined by the discretion of the Principal taking into consideration the severity of the offense and the student's behavior history. The suspension shall be in accordance with the procedures described in Section D1 below.
7. Upon the 5th referral of a student in one school year to the Principal:
- a. A referral form shall be completed by the teacher with a copy for the student's file and a copy to be sent home to the parent(s) or guardian(s). This notice shall be followed by telephonic notice by the Principal to the parent or guardian. If the parent is unreachable after one attempt at the number given by the parent/guardian on registration forms, the Principal shall make a reasonable effort to leave a telephone message notifying the parent/guardian of the offense(s) committed by the student which resulted in the referral.
  - b. The student may be suspended for up to 5 days. The suspension shall be in accordance with the procedures described in Section D1 below.
  - c. Automatic recommendation to the Chief Schools Officer of the student for expulsion in accordance with the authority granted and the process outlined in Sections E-O below. Upon such a recommendation the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Chief Schools Officer or designee upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended

pending the results of an expulsion hearing. All results will be documented in the student information system.

### **C. Enumerated Offenses**

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.
  - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
  - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
  - e) Committed or attempted to commit robbery or extortion.
  - f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
  - g) Stole or attempted to steal school property or private property.
  - h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
  - i) Committed an obscene act or engaged in habitual profanity or vulgarity.

- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- q) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional,

immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.

- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder and invading the rights of either school personnel or volunteers and/or students by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or

- for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
- ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
  - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the School.
- 2) "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described

in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(b) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

- iv. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
  
  - w. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
  
  - x. Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
2. Non- Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:
- (a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
3. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to electronic files and databases.

- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- q) Made terroristic threats against school officials and/or school property, which includes but is not limited to electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, , which includes but is not limited to electronic files and databases, or the personal property of the person threatened or his or her immediate family.



- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder and invading the rights of either school personnel or volunteers and/or students by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act
  - 3) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - v. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - vi. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - vii. Causing a reasonable student to experience substantial interference with his or her academic performance.

- viii. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the School.
- 4) “Electronic Act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
  - i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
    - (b) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary,

artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

iv. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

w) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, onto campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required by this policy.

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or

receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term “destructive device” means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

#### **D. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

##### 1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the designee with the student and his or her parent and, whenever practical, the teacher, supervisor or School employee who referred the student to the Principal or designee.

The conference may be omitted if the Principal or designee determines that an emergency situation exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student’s right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense in accordance with Education Code Section 47605(b)(5)(J)(i) . This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil’s parent or guardian to attend a conference with School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil’s parent or guardian at the conference.

##### 2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the

parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

### 3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Principal or designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Principal or designee upon either of the following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

#### **E. Authority to Expel**

As required by Education Code Section 47605(b)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled either by the neutral and impartial School Board of Directors following a hearing before it or by the School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a member of the School's Board of Directors. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

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Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the Pupil has committed an expellable offense.

In the event an Administrative Panel hears the case, it will make a recommendation to the Board of Directors for a final decision whether to expel. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the pupil makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

- 1) The date and place of the expulsion hearing;
- 2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
- 3) A copy of the School's disciplinary rules which relate to the alleged violation;
- 4) Notification of the student's or parent/guardian's obligation to provide information about the student's status at the School to any other school district or school to which the student seeks enrollment;
- 5) The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
- 6) The right to inspect and obtain copies of all documents to be used at the hearing;
- 7) The opportunity to confront and question all witnesses who testify at the hearing;
- 8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

**G. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses**

The School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the person or panel conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the School must present evidence that the witness' presence is both desired by the witness and will be helpful to the School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the

complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.

9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

## **H. Record of Hearing**

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

## **I. Presentation of Evidence**

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board of Directors or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board of Directors, which will make a final determination regarding the expulsion. The final decision by the Board of Directors shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Board of Directors is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

#### **J. Written Notice to Expel**

The Principal or designee following a decision of the Board of Directors to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Principal or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student

#### **K. Disciplinary Records**

The School shall maintain records of all student suspensions and expulsions at the School. Such records shall be made available to the authorizer upon request.

#### **L. No Right to Appeal**

The pupil shall have no right of appeal from expulsion from the School as the School Board of Director's decision to expel shall be final.

### **M. Expelled Pupils/Alternative Education**

Parents/guardians of pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

### **N. Rehabilitation Plans**

Students who are expelled from the School shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the School for readmission.

### **O. Readmission**

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board of Directors following a meeting with the Chief Schools Officer, Principal, and/or designee and the pupil and parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Chief Schools Officer or designee shall make a recommendation to the Board of Directors following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission.

### **P. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities**

#### 1. Notification of District

The School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student

who the School or the SELPA would be deemed to have knowledge that the student had a disability.

## 2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

## 3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

- a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a) Conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the School had not conducted

such assessment prior to such determination before the behavior that resulted in a change in placement;

- b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c) Return the child to the placement from which the child was removed, unless the parent and the School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the School, the parent, and relevant members of the IEP/504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then the School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### 4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k) or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and the School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

#### 5. Special Circumstances

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Principal or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a) Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;
- b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c) Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

#### 6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 team.

#### 7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the School had knowledge that the student was disabled before the behavior occurred.

The School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a) The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b) The parent has requested an evaluation of the child.
- c) The child's teacher, or other School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other School supervisory personnel.

If the School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

If the School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the School pending the results of the evaluation.

The School shall not be deemed to have knowledge that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

## **School Uniforms**

All students must wear the School's uniform every day. If a student arrives out of uniform, a parent / guardian will be called and asked to bring in a uniform before the student is sent to class. Students may not change out of their uniform at any point during the school day. Students must wear uniforms on all school fieldtrips and while on campus unless the School has directed otherwise. The School will work with families to ensure all students have access to uniforms

### **K-4 Dress Code**

- Official burgundy Alpha polo or solid burgundy polo shirt

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- Polo shirt must be at an appropriate length (at pockets) or must be tucked in
- Plain khaki dress pants, shorts, skirts, or skorts. Pants must not be sagging.
- Official burgundy Alpha sweatshirt or solid burgundy sweatshirt or hooded sweatshirt - all hoods must be removed when students are indoors
- Official burgundy Alpha sweater/sweater vest or solid burgundy sweater/sweater vest
- Optional long or short sleeve under polo (grey, black, burgundy, or white only)
- Optional black or brown belt
- Socks (no red or blue, other colors are acceptable)
- Sneakers or tennis shoes (little to no red or blue)
- Absolutely NO solid red or blue
- No makeup or excessive jewelry
- Nails must be clean, neat, and at a safe length
- No hats, headscarves, bandanas, etc. (Headwear for religious purpose only).

### **5-8 Dress Code**

- Official black Alpha polo or solid black polo shirt
- Polo shirt must be at an appropriate length (at pockets) or must be tucked in
- Plain khaki dress pants or shorts (no cargo pockets) - No spandex, stretch, corduroy or denim material for khaki pants and no sagging pants, rolled up pant legs, or socks worn over pant legs
- Official Alpha sweatshirt or solid black sweatshirt or hooded sweatshirt - all hoods must be removed when students are indoors
- Optional long or short sleeve under polo (grey, black, or white only)
- Optional black or brown belt
- Socks (no red or blue, other colors are acceptable)
- Sneakers or tennis shoes (little to no red or blue)
- Little to no makeup or excessive jewelry
- Nails must be clean, neat, and at a safe length
- No hats, headscarves, bandanas, etc. (Headwear for religious purpose only).

### **9-12 Dress Code**

- Tops: Appropriate length (at pockets) or tucked in, solid black or gray Alpha shirt or collared shirt without any logos
  - Optional solid black, gray, or white undershirt
  - Optional black, gray, or white sweater, sweatshirt, pullover, hoodie, or jacket. Logos should be no larger than a business card and all hoods must be removed when students are indoors

- Bottoms: Solid black or khaki pants, jeans, shorts, or skirts
  - No athletic wear including spandex, sweatpants, and leggings
  - No sagging pants, rolled up pant legs, or socks worn over pant legs
- Shoes & Accessories: Closed-toed shoes, no red or blue
  - Shoes with one colored logo smaller than a quarter
  - Solid black, gray, white, or brown belts
  - Socks that are not red, blue, maroon, or navy
  - Light makeup and simple jewelry
  - Religious headwear is allowed
  - No high-heeled shoes or shoes with colored logos larger than a quarter
  - No solid red, blue, maroon, or navy backpacks or other accessories
  - No hats, headscarves, or bandanas

**9-12 Gym or Sports Clothing:**

- Solid black, gray, or white t-shirt
- Black, khaki, gray, or white pants, jeans, or shorts (athletic wear permitted)
- Solid black, gray, or white undershirt
- Solid black, gray, or white sweater, sweatshirt, pullover, hoodie, or jacket
- No wearing gym clothes to school
- No tops with non-Alpha logos
- No sagging pants, rolled up pant legs, or socks worn over pant legs
- No sleeveless shirts or tank tops for boys or girls.

**Additional Information**

- Students may be exempt from dress code during approved Spirit Weeks. Guidelines for Spirit Week Dress Code will be provided by the School. If a student is in violation of these guidelines, they will be required to wear the school uniform.
- Students in grades 5-8 may receive permission to wear jeans or free dress per the School's discretion. This is an earned privilege. Students earning free dress may not wear clothing that becomes a safety issue or a distraction to one's self or others and will lose the privilege if the school determines there is an issue.
- Students in grades 9-12 may receive permission to wear jeans or free dress, per the School's discretion. This is an earned privilege. Students earning free dress may not wear clothing that becomes a safety issue or a distraction to one's self or others and will lose the privilege if the school determines there is an issue.



**The Schools reserve the right to determine whether or not any part of a student’s dress is appropriate.**

**Whenever any element of physical appearance or grooming—even if it is allowable under the school’s current rules—becomes a safety issue or distraction to one’s self or to others, it is no longer acceptable and steps will be taken to remove the distraction. This may include calling home to get a change of clothes or covering up the item in question.**

## **Family Involvement Policy**

The School encourages families to participate actively in their children’s education. We strive to cultivate positive and productive relationships with all of our families.

The School recommends and encourages 15 volunteer hours from each family annually, although parental participation in any form is important to the School community and so we encourage participation in any form. However no parent/guardian may be required to volunteer and not student will be punished for a parent/guardian’s failure to volunteer. Families may earn hours by:

- Attending community meetings;
- Attending parent/teacher conferences;
- Participating in school event set-up, execution, and clean-up;
- Assisting with morning/afternoon traffic duty;
- Assisting teachers with classroom setup/cleanup or project preparation;
- Assisting teachers with classroom presentations;
- Serving as the Homeroom Parent (Cornerstone Academy only);
- Attending Expo Nights (Cindy Avitia only)
- Assisting office staff with paperwork;
- Donating school supplies or snacks to the classroom;
- Volunteering in the school library;
- Recruitment support;
- Carpool support;
- Volunteering in the classroom (background check required); and
- Assisting school staff with recess duty (background check required)

### **Communication:**

Our partnership with parents is dependent on frequent, detailed communication about student achievement and behavior. We will communicate with parents in some of the following ways:

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- Phone calls
- Email
- Notes home
- Informal communication (e.g. drop off and pickup)
- Progress reports
- Report cards
- Conferences
- Formal meetings
- School events (e.g. community meetings, School Site Council)

*WE ENCOURAGE PARENTS TO COMMUNICATE THEIR NEEDS AND CONCERNS WITH THE SCHOOL. IF FAMILIES HAVE A CONCERN ABOUT A SCHOOL POLICY, AN ACADEMIC GRADE, A DISCIPLINE DECISION, OR ANYTHING ELSE, WE ASK THAT THEY TAKE SOME TIME TO REFLECT ON IT AND THEN CONTACT THE SCHOOL. WE WELCOME THE CONVERSATION. WE UNDERSTAND THAT FAMILIES HAVE VERY STRONG FEELINGS ABOUT ISSUES CONCERNING THEIR CHILDREN. WE ASK ONLY THAT ANY ISSUES WITH THE SCHOOL BE DEALT WITH PATIENTLY AND RESPECTFULLY. WE PROMISE TO TREAT ALL FAMILY CONCERNS WITH RESPECT.*

## **Promotion/Retention Policy**

Alpha Public Schools provides support for the academic development of students through personalized instruction. Students will progress each year by completing the Alpha and State Standard curriculums necessary to support their success at the next grade level.

Retention (remaining at the same grade level for a second year) is an action that may be taken to assist a student to be more successful in their learning. Risk for retention will be identified as early in a child’s school career as possible. As soon as identified, the teachers and School administration team will begin interventions to assist the student in the areas of concern. Parents will also be included in this discussion as early in the school year as possible.

Students will be identified for promotion/retention on the basis of:

- Academic achievement and standardized testing;
- Physical, social, psychological, and emotional considerations;
- Special needs; and
- Information provided by teacher(s), parents, or guardians

The demonstration of individual student learning is to be measured by, but not limited to, the following:

1. Overall student grades in English Language Arts, Math, Science, and Social Studies (grades below a 2.0/"C" average/70%)
  - a. High School: Students who score below the 2.0/"C" average/70% in 1 or 2 classes will need to retake the class during the summer immediately after the course ends; High School retention is more fluid as student grade level is identified by credits earned.
2. Alpha interim assessments in English Language Arts and Math (grades below a 2.0/"C" average/70%);
3. State testing (SBAC) scores in English Language Arts and Math (assessing below or far below basic in all subject levels);
4. NWEA/Measure of Academic Progress (MAP) assessments in English Language Arts and Math (insert percentile);
5. Attendance (no more than 10 days absent); and
6. The meeting of the intervention goals determined by the Student Support Team and principal discretion based on the above criteria.

### **Appeal Process**

A parent has a right to appeal the decision to promote or retain a student. The appeal process is as follows:

Step 1: The parent/guardian must submit a written appeal to the Chief Schools Officer within ten (10) calendar days after formal written notification to retain or promote a student is given by the Head of School. Formal written notification will be delivered by U.S. Mail to the parent/guardian and will include the due date for submission of an appeal. The parent/guardian's written appeal must include the parent's reasons for appeal, including evidence of the School's failure to follow the student promotion/retention policy as specified herein.

Step 2: Within 30 days of receipt of a written appeal from a parent, the Chief Schools Officer will hold a formal meeting with the parent and determine whether or not to sustain or overrule

the decision to promote or retain. The School will give the parent reasonable notice of the date, time, and place of the meeting. The School will give the parent a full and fair opportunity to present evidence relevant to the request. The parent may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney. *Note that the burden is on the parent as the appealing party to show why the promotion or retention decision should be overruled.*

Step 3: The Chief Schools Officer's decision will be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. If the Chief Schools Officer overrules the decision, the School must correct the decision to retain or promote, and inform the parent of the decision in writing within a reasonable period of time. However, the Chief Schools Officer shall not order a pupil's grade to be changed, unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

The decision of the Chief Schools Officer shall be final.

If the final decision of the Chief Schools Officer is unfavorable to the parent, or if the parent accepts an unfavorable decision by Principal, the parent shall be informed of their right to submit a written statement of objections to the decision to promote or retain. This statement shall become a part of the pupil's school record and shall be maintained for as long as the record is maintained.

### **English Learners:**

English Learners, determined through the CELDT testing process (California English Learner Development Test), could be considered "at risk" based on the challenges they face in acquiring mastery of subject areas in English. English Learners should be provided with supplemental instruction as a key intervention to ensure that they will eventually attain grade level proficiency. Decisions regarding the promotion or retention of English Learners require special consideration. Following the supplemental instruction for the English Learner, if it is determined through the

SST process that the student would benefit from retention, the above determinations and process will be followed.

**Special Education:**

Students with physical and/or mental disabilities, which interfere with the major life activity of learning, are provided protections under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). Their educational opportunities will be affected by the development of accommodation plans intended to mitigate the effects of the disability on educational performance.

Students whose physical, mental, or learning disabilities are provided protection under the Individuals with Disabilities Education Act (IDEA) has their educational needs supported through Special Education (specially designed instruction) and related services (services which enable them to benefit from their Special Education program).

Modifications of curriculum and the grading rubric are to be utilized for students on an IEP (Individual Education Plan). Accommodations put in place for students who have a 504 Plan or are in Special Education are not used when considering retention of the student.

Retention may be considered for students on a 504 Plan or IEP if the academic, social, and emotional needs of the student would benefit from the repetition of a grade. The special education team would make the recommendation for retention.

If a student with a 504 Plan or IEP is initially identified as a candidate for retention, school leaders and teachers will immediately contact the student’s case manager to discuss next steps.

**Appeals Process**

When the recommendation for retention is not agreed upon by the parents/guardians, they have the right to appeal by bringing their appeal to the principal. The principal will provide and discuss documentation regarding the recommended retention to include, but not limited to, testing and assessment results, report cards, and SST meeting notes with the appropriate stakeholders.

## **Teacher Qualifications**

All parents may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals.

## **Special Education Policy**

The Board of Directors of the School recognizes the need to identify and evaluate students with disabilities in order to provide them with a free, appropriate public education in accordance with state and federal law.

The School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEA”).

The School shall participate as a local educational agency (“LEA”) in a special education plan approved by the State Board of Education in accordance with Education Code Section 47641(a). Charter School shall comply with all applicable policies and practices of the El Dorado Charter Special Education Local Plan Area (“SELPA”).

The School shall identify, refer, and assess students who have or may have exceptional needs that qualify them to receive special education services. The School’s identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, which may include response to intervention or the SST Process, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program.

A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate.

### **Assessment**

The School shall assess referred or eligible students in accordance with applicable state and federal law. Students shall be assessed in all areas related to the suspected disability. The School shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student.

## **IEP Meetings**

The School shall timely arrange and notice IEP meetings. IEP team membership shall be in compliance with state and federal law. The School shall ensure that the following individuals are in attendance at the IEP meetings: the Principal and/or the School designated representative with appropriate administrative authority; the student's special education teacher; the student's general education teacher if the student is or may be in a regular education classroom; the parent/guardian; the student, if appropriate; and other School representatives who are knowledgeable about the regular education program at the School and/or about the student. The School shall also arrange for the attendance or participation of all other necessary staff that may include, but are not limited to, an administrator, a speech therapist, psychologist, resource specialist, and behavior specialist. The School shall document the IEP meeting and provide the notice of parental rights to the parent/guardian.

The IEP team shall make decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education. The programs, services, and placements shall be designed to provide each student with a free, appropriate public education in the least restrictive environment to meet the student's unique needs.

If a general education or special education teacher requests a review of an eligible student's placement in their classroom, instruction, or related services, an IEP meeting shall be convened within a reasonable amount of time. Teachers shall communicate such requests to the Principal.

## **IEP Implementation**

The School shall implement IEPs after they are approved by the parent/guardian, and shall supervise the provision of services to ensure that each student receives the appropriate services in accordance with their educational plan.

For students who enroll during the school year in the School from another school district outside of the SELPA with a current IEP, the School shall conduct an IEP meeting within thirty (30) days. Prior to such meeting and pending agreement on a new IEP, the School shall implement the existing IEP at the School, to the extent practicable or as otherwise agreed between the School and parent/guardian.

The School shall provide parents/guardians with timely reports on the student's progress as provided in the student's IEP, and at least quarterly or as frequently as progress reports are provided for the School's non-special education students, whichever is more.

## **Staffing**

### Qualifications

All special education services at the School will be delivered by individuals or agencies qualified to provide special education services as required by state and federal law.

The School will be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists.

### Caseloads

The School shall ensure that caseloads for special education teachers and service providers are within the maximum caseloads established by law, and/or the SELPA plan.

## **Non-Public Placements/Non-Public Agencies**

The School may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities to meet students' needs. When entering into agreements with nonpublic schools or agencies, the School shall consider the needs of the individual student and the recommendations of the IEP team.

The School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and agencies used to serve special education students. In addition, the IEP team shall monitor the progress of students placed in non-public programs towards the goals identified in the student's IEP.

## **Transportation**

School shall ensure that appropriate transportation services are provided for students with disabilities if required by their IEP and as specified in their IEP. The School shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs, shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems, and shall ensure drivers are trained in the proper installation of mobile seating devices in the securement systems.

## **Non-discrimination**

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It is understood and agreed that all children will have access to the School and no student shall be denied admission nor counseled out of the School due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

### **Procedural Safeguards**

In order to protect the rights of students with disabilities, the School shall follow all procedural safeguards as set forth in law. Parents/guardians shall receive written notice of their rights in accordance with law.

### **Parent/Guardian Concerns and Complaints**

The School shall comply with Board adopted complaint policies and SELPA Procedural Safeguards with regard to parent/guardian complaints. Alpha recognizes that it is responsible for responding to parent/guardian concerns or complaints related to special education services. The School's designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

The School shall respond to any complaint to or investigation by the California Department of Education, the United States Department of Education, Office of Civil Rights or any other agency.

### **Due Process Hearings**

The School may initiate a due process hearing or request for mediation with respect to a student enrolled in the School if it determines such action is legally necessary or advisable. In the event that the parents/guardians file for a due process hearing, or request mediation, School shall defend the case. In the event that the School determines that legal representation is needed, it shall select appropriate legal counsel.

## **School Lunch Program**

Both breakfast and lunch will be available at the School. All families who feel they may qualify will need to complete a form that enables the school to participate in the free or reduced-price meal program. For families that do not qualify for free or reduced price lunch, the School will charge the for meals.

Families may send lunch to school; however, students will not have access to a refrigerator or microwave. If you are sending lunch to school with your child, we ask that you send in nutritious foods.

If the student forgets lunch at home or it must be dropped off, please leave the lunch at the main office.

## **Homeless Students**

The term “homeless children and youth” means individuals who lack a fixed, regular and adequate nighttime residence due to economic hardship. It includes children and youths who (42 USC 11434(a)):

1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
3. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
4. Runaway children or children who are abandoned; and
5. Migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition of “homeless.”

Homeless status is determined in cooperation with the parent or guardian. In the case of unaccompanied youth, status is determined by the School Liaison.

### **School Liaison**

Alpha Public Schools designates the following staff person as the School Liaison for homeless students (42 USC 11432(g)(1)(J) & (e)(3)(C).):

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Shara Hegde, Chief Schools Officer  
2110 Story Rd, Suite 250  
San Jose, CA 95122  
(408) 401-9388

The School Liaison shall ensure that (42 U.S.C. Section 11432(g)):

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies.
2. Homeless students enroll in, and have a full and equal opportunity to succeed at the School.
3. Homeless students and families receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act; early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by the School, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services.
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths and unaccompanied youths, such as schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.
6. Enrollment/admissions disputes are mediated in accordance with law, the School charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services , as applicable.
8. School personnel providing services receive professional development and other support.
9. The School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

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The complete policy can also be accessed here: [McKinney-Vento Policy and Procedures](#)  
For any homeless student who enrolls at the School, a copy of the School's complete policy shall be provided at the time of enrollment and at least twice annually.

## **Student Records**

The School's administrative team is in charge of student records. Pupil records maintained by the School consist of any item of information directly related to an identifiable pupil, including but not limited to date and place of birth, parent and/or guardian's address, mother's maiden name, and where the parties may be contacted for emergency purposes, subjects taken, grades received, standardized test results, academic specializations, school activities, special education records, disciplinary records, personal information, such as, but not limited to, a student's name, the name of a student's parent or other family member, student identification numbers, social security numbers, photographs, biometric record or any other type of information that aids in identification of a student, attendance records, and medical and health records. What are generally not education records are records of instructional, supervisory, and administrative personnel, records maintained by a law enforcement unit of the school (if applicable), records made and maintained in the normal course of business of a school employee the relate exclusively to the individual in that individual's capacity as an employee and are not available for use for any other purpose, records of a student who is 18 years or older or is attending an institution of postsecondary education and made in connection with medical treatment, which does not include remedial educational activities or activities that are part of the program of instruction at the School, records that only contain information about an individual after he or she is no longer a student, or grades on peer-graded papers before they are collected and recorded by a teacher.

Pupil records are maintained at each school where the pupil is attending. The Principal or designee is responsible for maintaining each type of pupil record and the information contained therein. Additional records, such as psychological and special education reports, are maintained at those respective offices.

The Family Educational Rights and Privacy Act ("FERPA") affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 5 business days after the day the School receives a request for access. Parents or eligible students should submit to the Principal or designee a written request that identifies the records they wish to inspect.

The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the School principal or designee, clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing and pursuant to the policy included below.

3. The right to provide written consent before the School discloses personally identifiable information ("PII") from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to School officials with legitimate educational interests. A School official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the School board. A School official also may include a volunteer or contractor outside of the School who performs an institutional service or function for which the School would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another School official in performing his or her tasks. A School official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

Note that the School will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW Washington, DC 20202

FERPA permits the disclosure of PII from student's education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to School officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the School to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A School may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student —

1. To other School officials, including teachers, within the educational agency or institution whom the School has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1)).
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2)).
3. To authorize representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA).

Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35).

4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4)).
5. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7)).
6. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8)).
7. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9)).
8. To appropriate officials in connection with a health or safety emergency, subject to §99.36.(§99.31(a)(10)).
9. Information the School has designated as “directory information” under §99.37. (§99.31(a)(11)).
10. To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L)).
11. To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K)).

When a student moves to a new school/ school district, records will be forwarded upon request of the new district within 10 school days.

**Directory Information:**

The Family Educational Rights and Privacy Act (“FERPA”), a Federal law, requires that the School, with certain exceptions, obtain a parent/guardian written consent prior to the disclosure of personally identifiable information from your child's education records. However, the School may disclose appropriately designated "directory information" without written consent, unless a parent/guardian has advised the School to the contrary in accordance with this policy.

“Directory information” is information that is generally not considered harmful or an invasion of privacy if released. Directory information can be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. The School has designated the following information as directory information:

- Student's name
- Student’s address
- Parent/guardian’s address
- Telephone listing
- Student’s electronic mail address
- Parent/guardian’s electronic mail address
- Photograph
- Date and place of birth
- Dates of attendance
- Grade level
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

If you do not want the School to disclose directory information from your child's education records without your prior written consent, you must notify the Principal in writing at the time of enrollment or re-enrollment.



## **Pupil Record Challenges Policy**

The parent of a pupil or former pupil may challenge the content of their child's pupil record to correct or remove any information recorded in the written records concerning his or her child which the parent alleges to be any of the following:

- Inaccurate
- An unsubstantiated personal conclusion or inference
- A conclusion or inference outside of the observer's area of competence
- Not based on the personal observation of a named person with the time and place of the observation noted
- Misleading
- In violation of the privacy or other rights of the pupil

A parent may use a pupil record challenge to appeal a suspension of a pupil which has already been served.

To challenge a pupil record, a parent must file a written request with the Principal to correct or remove any information recorded in the written records concerning his or her child.

Within 30 days of receipt of a written request from a parent, the Principal or the Principal's designee must meet with the parent or eligible student and the certificated employee who recorded the information in question, if any. The Principal must then sustain or deny the parent or eligible student's request and provide a written statement of the decision to the parent or eligible student.

If the Principal sustains any or all of the allegations, he or she must order the correction or the removal and destruction of the information. The Principal or Principal's designee must then inform the parent or eligible student of the amendment in writing. However, the Principal shall not order a pupil's grade to be changed, unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

If the Principal denies any or all of the allegations and refuses to order the correction or the removal of the information, the Principal must inform the parent or eligible student of their right to a hearing under FERPA.

The parent or eligible student may, within 30 days of the refusal, appeal the decision in writing to the Board of Directors. Within 30 days of receipt of a written appeal from a parent, the Board of Directors will hold a formal hearing, in closed session, with the parent, eligible student and the certificated employee who recorded the information in question, if any, and determine whether or not to sustain or deny the allegations. The Board of Directors will give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing. The Board of Directors will give the parent or eligible student a full and fair opportunity to present evidence relevant to the requested amendment of pupil records. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney.

The Board of Directors will inform the parent or eligible student of its decision in writing within a reasonable period of time. The Board of Directors' decision will be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. If the Board of Directors sustains any or all of the allegations, it must order the correction or the removal and destruction of the information. However, the Board of Directors shall not order a pupil's grade to be changed unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing or both the reasons for which the grade was given and is, to the extent practicable included in all discussions relating to the changing of the grade.

The decision of the Board of Directors shall be final.

The CEO or the Board Chairman may convene a hearing panel to assist in making determinations regarding pupil record challenges provided that the parent has given written consent to release information from the pupil's records to the members of the panel convened. The hearing panel shall consist of the following persons:

- 1) The CEO/Superintendent of a public school other than the public school at which the record is on file
- 2) A certificated employee
- 3) A parent appointed by the CEO or by the Board of Directors, depending upon who convenes the panel.

If the final decision of the Board of Directors is unfavorable to the parent, or if the parent accepts an unfavorable decision by the Principal, the parent or eligible student shall be informed of their right to submit a written statement of objections to the pupil record information. This statement shall become a part of the pupil's school record and shall be maintained for as long as the record is maintained.

## **Grading Policy**

Alpha Public Schools believes that grades should reflect academic performance and mastery of content. Our grading policy reflects a growth mindset and supports the relentless pursuit of excellence. We believe that our grades should not reflect elements of behavior and activities not directly related to student academic achievement (and that we should track and hold students accountable for this through other measures).

## **State Testing**

Alpha Public Schools shall annually administer required state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress.) Notwithstanding any other provision of law, a parent's or guardian's written request to School officials to excuse his or her child from any or all parts of state assessments shall be granted.

## **Other Information and Policies**

### **Student Belongings**

Students may not bring any items to school that may potentially disrupt the learning environment. Items including, but not limited to:

- Kendamas
- Fidget spinners
- Video game systems
- Slime
- Other toys or accessories

**Please note: School principals have the discretion to ban any items deemed to be a distraction at any point in the school year.**

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If students bring a cell phone to school, the School assumes no responsibility for the phone if it is lost, broken, or stolen. The following rules apply to student cell phones at Alpha:

K-4: Cell phones are not permitted. Phones will be confiscated and returned to the parent.

5-8: Cell phone use is not permitted between the hours of 8AM and 6PM on campus with the exception of the designated dismissal area after 3:30PM. Students in the after school program may not use their cell phones in the program. Students are highly encouraged to turn in their cell phone to the main office at the beginning of each day and collect it at the end of each day. If a cell phone is not turned into the front office and it is visible or audible during the school day for whatever reason, it will be confiscated and only returned to a guardian. Please note that the school is not liable for lost or damaged phones that were not turned into the front office.

9-12: Students must keep their cell phone and all other personal electronics off and out of sight during school hours except at designated times. Misuse of any personal electronic device will lead to confiscation and additional parent involvement.

Repeated violations of this policy may result in permanent confiscation irrespective of any costs or fees students and/or their families may incur as a result. The School will not be liable for any damage to such items.

The School will keep a Lost and Found box in the main office which will be accessible .

### **Classroom Parties, Birthdays, and Other Events**

K-4: The School does not allow individual classroom parties for birthdays. Classroom teachers have the option to designate a day to host a celebration for his or her class, scheduled for no longer than 20 minutes. This party may happen once per school year or once per month. This ensures that all students are celebrated, even those with birthdays during the summer or during holidays. On this day, parents are welcome to come to school, bring snacks, and celebrate with the class. Parents are requested to notify the School of any allergies on the School's medical forms, so the School can do its part to help avoid any health related emergencies. Treats such as cupcakes can be brought to school only with prior notice. Notice must be given at least 24 hours in advance. The treats must be dropped off at the front office and all snacks must be consumed within the classroom. The School encourages all parents who wish to participate in the monthly birthday celebration to closely communicate with the homeroom teacher.

5-8: The School does not allow individual classroom parties for birthdays. Classroom teachers have the option to designate a day to host a celebration for his or her class, scheduled for no longer than 20 minutes. This party may happen once per school year or once per month. This ensures that all students are celebrated, even those with birthdays during the summer or during holidays. On this day, parents are welcome to come to school, bring snacks, and celebrate with the class. Parents are requested to notify the School of any allergies on the School's medical forms, so the School can do its part to help avoid any health related emergencies. Treats such as cupcakes can be brought to school only with prior notice. Notice must be given at least 24 hours in advance. The treats must be dropped off at the front office and all snacks must be consumed within the classroom. The School encourages all parents who wish to participate in the monthly birthday celebration to closely communicate with the homeroom teacher.

9-12: The School does not allow individual classroom parties for birthdays. Classroom teachers have the option to designate a day to host a celebration for his or her class, scheduled for no longer than 25 minutes during lunch. This party may happen once per school year or once per month. This ensures that all students are celebrated, even those with birthdays during the summer or during holidays. On this day, parents are welcome to come to school, bring snacks, and celebrate with the class. Parents are requested to notify the School of any allergies on the School's medical forms, so the School can do its part to help avoid any health related emergencies. Treats such as cupcakes can be brought to school only with prior notice. Notice must be given at least 24 hours in advance to the main office. The treats must be dropped off at the front office and all snacks must be consumed within the designated classroom. All food should only be consumed. No food should be thrown or put on any part of another person. The School encourages all parents who wish to participate in the monthly birthday celebration to closely communicate with the advisory teacher.

## **Appropriate Use of Technology**

This section outlines the rules governing parents, students, and employees use of school data communications networks, the intranet and internet safety, and to provide for the education of minors about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms, and cyberbullying awareness and response.

Individuals affiliated with the School have numerous opportunities to use computing resources provided for school-related activities. However, access to these computing resources is a privilege and individual responsibilities accompany that privilege. It is the intention of the School to provide a non-hostile learning environment that minimizes the risk of offending, intimidating, harassing, or otherwise disrespecting other students or employees.

## **Restricting Access to Inappropriate Content**

Charter schools that provide pupils with access to the internet or to an online service are advised to maintain a policy regarding access to sites that contain content that is inappropriate for the school setting.

## **Use of School Data Communications Networks and the Internet Safety Policy**

Children’s Internet Protection Act Compliance: It is the policy of the School to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children’s Internet Protection Act (“CIPA”) [Pub. L. No. 106-554 and 47 USC 254(h)].

### **Definitions**

1. Network: Two or more computer systems linked to allow communication. The school’s network connects schools and support offices to provide data communications, such as e-mail, file sharing, and internet access.
2. Internet: A global network of interconnected networks.
3. World Wide Web: A global, hypertext-based information system accessible through the internet via HTTP protocol.
4. Universal Resource Locator (URL): The address of a source of information on the internet.
5. E-mail: Electronic mail messaging over communications network.
6. File server: A shared computer providing data storage and services to users.
7. School data: Information maintained and processed in the conduct of school business as required by state or federal mandate and/or school procedure. Confidentiality restrictions may apply to information maintained as school data records and to all copies of those records.

8. System administrator: Person(s) responsible for providing and/or managing network services (e.g., file servers, electronic mail, and internet services).
9. Security administrator: Person(s) responsible for providing network security.
10. Acceptable Use Policy: School guidelines for students, parents/guardians, and employees regarding acceptable use of the internet and school networks.
11. Acceptable Use Agreement: A contract between a student and parent/guardian and a school containing a reference to acceptable use of the internet and school networks. This contract must be signed by the student and his/her parent/guardian upon enrolling at a school. A contract must be signed at each new school the student enrolls in.
12. Technology Protection Measure: A specific technology that blocks or filters internet access to visual depictions that are (a) obscene matter, as the term is defined in section 311 of the California Penal Code or section 1460 of Title 18, United States Code; (b) child pornography, as that term is defined in section 2256 of Title 18, United States Code; or (c) inappropriate for minors.
13. Harmful Matter: As defined in Section 313 of the Penal Code.
14. Sexual Act; Sexual Contact: As defined in section 2246 of Title 18, United States Code.
15. Minor: For the purposes of this administrative procedure, an individual who has not attained the age of 18.
16. Child Pornography: As defined in section 2256 of Title 18, United States Code.
17. Computer: Any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

### **Acceptable Use**

The use of School network services is a privilege and is to be limited to School business as authorized by Board policy. School-level practice should support and complement School policy and procedure and should be tied to specific curriculum goals and objectives. Use of the school's network services by students, parents, and school employees should support school policy and procedure in the performance of their assigned duties.

## **Prohibited Use**

1. Transmission of any material in violation of any federal or state law is prohibited. This includes, but is not limited to distribution of:
  - a. Any information that violates or infringes upon the rights of any other person.
  - b. Any defamatory, inappropriate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.
  - c. Advertisements, solicitations, commercial ventures, or political lobbying.
  - d. Any information that encourages the use of controlled substances or the use of the system for the purpose of inciting crime.
  - e. Any material that violates copyright laws.
2. Any vandalism, unauthorized access, “hacking,” or tampering with hardware or software, including introducing “viruses” or pirated software, is strictly prohibited (California Penal Code section 502).
3. Cyberbullying - The use of modern communication technologies (such as listed below) to intentionally embarrass, humiliate, threaten or intimidate an individual or group via any of the following:
  - a. Email
  - b. Instant Messaging
  - c. Chat Rooms
  - d. Web Sites
  - e. Social Networking Sites
  - f. Cell Phones and other forms of technology
4. Harassment or illegal discrimination with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, immigration status, sexual orientation, or membership or activity in a local commission.
5. Misuse of the school property, including, but not limited to, theft or damage to equipment or software, knowingly running or installing viruses, attempting to circumvent the installed technology protection measure, using the system for mayhem or to disrupt work and school activities, or attempting to degrade the performance of integrity of any campus network or computer system.

## **Warning**

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The school reserves the right to monitor internet/intranet, e-mail, and networked application usage. No student or employee should have any expectation of privacy as to his/her usage. The school reserves the right to inspect any and all files on school computers or school servers connected to school networks and to take custody and possession of those files and computers.

Inappropriate use may result in the cancellation of network privileges. The site system administrator(s) or school security administrator may close an account at any time deemed necessary. Depending upon the seriousness of the offense, any combination of the following will be enforced: Penal Code, Education Code, school procedures, or school site discipline.

### **Expectations**

1. Etiquette: The use of the school's data communications networks requires that users abide by accepted rules of network etiquette. These include, but are not limited to, the following:

- a. Be polite. Do not send abusive, inflammatory, or obscene messages to others. Use language that is appropriate for an educational setting.
- b. Respect privacy. Do not reveal personal information about students or staff.
- c. Be considerate. Do not use the network in a way that would disrupt the use of the network by other users.

2. Electronic Mail: Users of electronic mail systems should not consider electronic communications to be either private or secure; such communications are subject to review by authorized school personnel and may be subject to review by the public under the Public Records Act. Other conditions for use include, but are not limited to, the following:

- a. Individuals are to identify themselves accurately and honestly in e-mail communications. Email account names and/or addresses may not be altered to impersonate another individual or to create a false identity.
- b. The school retains the copyright to any material deemed to be school data. Use of school data sent as e-mail messages or as enclosures will be in accordance with copyright law and school standards.

- c. Messages relating to or in support of violent or illegal activities must be reported to appropriate authorities such as a school administrator.

### **Responsibilities**

The School maintains reasonable precautions to restrict access to inappropriate content and materials that do not support approved educational objectives. Staff will choose resources on the internet that are appropriate for classroom instruction and/or research for the needs, maturity, and ability of their students.

1. Parents/guardians, students, and staff should understand that it is not possible to control all material on a public network and they accept responsibility for complying with school procedures and with standards of acceptable use.
2. Guidelines for parents/students. Students and parents must sign the “Acceptable Use Agreement” before using a laptop computer for School assignments. Students and parents/guardians accept responsibility for following terms of the agreement and understand that violation can result in loss of access privileges and disciplinary action.
3. Education, Supervision and Monitoring. It shall be the responsibility of all staff members of the school to educate, supervise and monitor appropriate usage of the online computer network and access to the internet in accordance with this procedure and CIPA, the Neighborhood Children’s internet Protection Act, and the Protecting Children in the 21st Century Act.
4. Procedures for disabling or otherwise modifying any technology protection measures shall be the responsibility of the Technology Department or designated representatives. The Technology Department will assist the school by providing training materials and online resources for age-appropriate training of students who use the school’s internet facilities.
5. The teacher shall be responsible for ensuring that each student receives this training before accessing the school’s internet facilities. The training provided will be designed to promote the school’s commitment to internet safety.

Following receipt of internet safety training, the student will acknowledge that he/she received the training, understood it, and will adhere to the provisions of the school's acceptable use policies.

### **Technology Protection Measures**

To the extent practical, technology protection measures (or "internet filters") shall be used to block access to inappropriate information or filter internet, or other forms of electronic communications. Specifically, as required by CIPA, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed inappropriate. Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

To the extent practical, steps shall be taken to promote the safety and security of users of the school online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. Specifically, as required by CIPA, prevention of inappropriate network usage includes (a) unauthorized access, including so-called 'hacking,' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Security: Security on any computer system is a high priority, especially when the system involves many users. If any user identifies a security problem with school systems, he/she must notify the security administrator at the Technology Department, either in person, in writing, or via the network. Users should not demonstrate the problem to other users. Any user identified as a security risk or having a history of problems with other computer systems may be denied network access. Violations include, but are not limited to, the following:

1. Illicitly gaining entry, or "hacking," into a computer system or obtaining account passwords.
2. Intentionally creating or distributing a computer virus.
3. Using school systems or equipment to knowingly disable or overload any computer system or network or to circumvent the security of a computer system.
4. Knowingly bypassing a school "firewall" used for blocking inappropriate internet sites and for security screening.
5. Knowing violations of the Acceptable Internet and Laptop Usage Agreement.

## **Implementation**

1. The school must receive a signed “Acceptable Use Agreement” for each student before student is provided access to internet or any school network.
2. Students shall receive the internet safety training, in accordance with this procedure and will acknowledge that he/she received the training, understood it, and will adhere to this procedure and the “Acceptable Use Agreement.”
3. A student shall be provided access to internet or to the school network only after receipt of the training in this procedure and submitting to the school his/her signed “Acceptable Use Agreement” which shall be retained at the school.

## **Use of Electronic Mail Addresses**

The School may gather electronic mail (“email”) addresses from parents/guardians for use by the School for purposes of notifying parents/guardians of pertinent School information. The provision of an email address by a parent/guardian to the School is optional.

The School and the Network Team will have access to email addresses gathered from parents/guardians for purposes of communicating official School business only. School-wide email communication will be executed in a manner which prevents recipients from viewing the email addresses of other parent/guardian recipients.

The School will provide email addresses to school-sponsored parent groups. These groups may only use email addresses gathered from parents/guardians for official school business and in accordance with policies and procedures and in a manner which prevents recipients from viewing the email addresses of other parent/guardian recipients.

A parent/guardian who does not wish to have their email address shared with the School and/or parent groups can either a) choose not to provide an email address to the School (at risk of not receiving School-wide communication via email); or b) notify the School in writing of the parent/guardian’s objection at any time during a school year.

If a parent/guardian receives a communication that they believe is contrary to this policy, the parent/guardian may report the email to the Principal for investigation and resolution. The

Principal shall report the results of any such investigation to the Chief Schools Officer who may reopen the investigation if the Board does not believe the matter was appropriately resolved.

This policy is not intended to and should not prevent free communication amongst parents/guardians or School employees who have willingly provided one another with email addresses. The School encourages parent/guardians who have received email communication with which they feel uncomfortable or which they find objectionable to communicate directly to the sender for resolution.

This policy shall not impact parent rights as provided under the policy regarding Directory Information.

## **Health and Safety**

### **Fingerprinting and Background Checks**

Alpha Public Schools shall fingerprint and background check school volunteers who volunteer with students outside of the direct supervision of a School employee, prior to volunteering at the School. For these volunteers, fingerprinting and Criminal Records Summaries will be required annually, at the beginning of each school year.

The Human Resources Manager or designee shall review Department of Justice reports on prospective employees, contractors, and volunteers to determine whether an employee may be employed in accordance with Education Code Section 44237, 44830.1 or 45125.1. The Chief Schools Officer or designee shall monitor compliance with this policy.

### **Immunizations**

This policy applies to all applicants to the School and School administrators in charge of admissions.

The School will adhere to all law related to legally required immunizations for entering students.

California law requires that an immunization record be presented to the school staff before a child can be enrolled in school. The School requires written verification from a doctor or immunization clinic of the following immunizations:

- a) Diphtheria.

- b) Measles.
- c) Mumps, except for children who have reached the age of seven years.
- d) Pertussis (whooping cough), except for children who have reached the age of seven years. Beginning July 1, 2011, all rising and enrolled students in grades 7-12 must be immunized with a pertussis vaccine booster called Tetanus Toxoid, Reduced Diphtheria Toxoid and Acellular Pertussis (Tdap). Beginning July 1, 2012, this requirement will only apply to rising 7<sup>th</sup> graders.
- e) Poliomyelitis.
- f) Rubella.
- g) Tetanus.
- h) Hepatitis B.
- i) Varicella (chickenpox), (persons already admitted into California public or private schools at the Kindergarten level or above before July 1, 2001, shall be exempt from the Varicella immunization requirement for school entry).
- j) Haemophilus influenzae type b.

The School's verification of immunizations will be completed with written medical records from the child's doctor or immunization clinic.

Exceptions are allowed under the following conditions:

- a) The parent provides a signed doctor's statement verifying that the child is to be exempted from immunizations for medical reasons. This statement must contain a statement identifying the specific nature and probable duration of the medical condition.
- b) Pupils who fail to complete the series of required immunizations within the specified time allowed under the law will be denied enrollment until the series has been completed.
- c) Students who are enrolled in the School's home-based study program or independent study program and do not receive any classroom-based instruction;

- d) Students who, prior to January 1, 2016, submitted a letter or affidavit on file at a private or public elementary or secondary school in California stating beliefs opposed to immunization, and who provides said letter or affidavit to the School, shall be allowed to enroll at School without being fully immunized until the student enrolls in the next grade span.;
  - a. “Grade span” means each of the following:
    - i. Birth to preschool.
    - ii. Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten.
    - iii. Grades 7 to 12, inclusive.

This Policy does not prohibit a pupil who qualifies for an individualized education program, pursuant to federal law and the California Education Code, from accessing any special education and related services required by his or her individualized education program.

Any child leaving the United States for a short vacation to or long stay in any country considered by the Center of Disease Control and Prevention (“CDC”) to have increased risk of TB exposure (such as Mexico, the Philippines, India or Southeast Asia) MUST contact the County Tuberculosis Clinic for a TB Screening upon return.

**NOTE:** In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet all requirements for children 7-17 years old (i.e., polio, MMR, chickenpox and primary series for diphtheria, tetanus, and pertussis), **in addition to** the 7th grade requirements for Tdap and two (2) doses of MMR.

The School’s verification of immunizations will be completed with written medical records from the child’s doctor or immunization clinic. Immunization records shall be part of the mandatory permanent pupil record and shall be kept in accordance with the School’s record-keeping policy. The School will file a written report on the immunization status of all new entrants to the School with the Department of Health Services as required by law.

### Conditional Admittance

Students may be conditionally admitted to the School. The Principal or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining

doses when they become due. The Principal or designee shall review the immunization record of each student admitted conditionally every thirty (30) days until that student has received all the required immunizations. If a student conditionally admitted fails to fulfill the conditions of admission, the School will prohibit the student from further attendance until that student has been fully immunized as required by law

### **Administration of Medications**

The School staff is responsible for overseeing the administration of medication to students attending the School during regular school hours. It is imperative that practices followed in the administration of medication be carefully delineated to ensure the safety of our students and the legal protection of our employees. Any pupil who is required to take, during the regular school day, medication prescribed for him or her by a physician or surgeon may be assisted by designated school personnel or may carry and self-administer prescription auto-injectable epinephrine or inhaled asthma medication if the School receives the appropriate written statements as follows:

1. In order for a pupil to carry and self-administer prescription auto-injectable epinephrine or inhaled asthma medication, the School shall obtain both a written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine or inhaled asthma medication, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the School and school personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering medication.
2. Additionally, the school nurse or trained personnel who have volunteered may use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering from, an anaphylactic reaction. The School will ensure it has the appropriate type of epinephrine auto-injector on site (i.e., regular or junior) to meet the needs of its pupils. The School will ensure staff properly store, maintain, and restock the epinephrine auto-injectors as needed.
3. The School will ensure any school personnel who volunteer are appropriately trained regarding the storage and emergency use of epinephrine auto-injectors based on the standards developed by the Superintendent of Public Instruction. The School will



distribute an annual notice to all staff describing the request for volunteers who will be trained to administer an epinephrine auto-injector to a person if that person is suffering, or reasonably believed to be suffering from, anaphylaxis. The annual notice shall also describe the training the volunteer will receive.

4. In order for a pupil to be assisted by designated school personnel in administering medication, other than emergency epinephrine auto-injectors or inhaled asthma medications, the School shall obtain both a written statement from the physician detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, foster parent, or guardian of the pupil indicating the desire that the School assist the pupil in the matters set forth in the statement of the physician.

#### Guidelines:

- The primary responsibility for the administration of medication rests with the parent/guardian, student and medical professional.
- Medication shall be administered only during school hours if determined by a physician to be necessary.
- Designated staff shall keep records of medication administered at the School.
- All medication will be kept in a secure and appropriate storage location and administered per physician's instructions by appropriately designated staff.
- Designated staff shall return all surplus medication to the parent/guardian upon completion of the regimen or prior to extended holidays.
- Designated staff shall establish emergency procedures for specific medical conditions that require an immediate response (i.e. allergies, asthma, diabetes).
- The written statements specified in this policy shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.
- A pupil may be subject to disciplinary action if that pupil uses auto-injectable epinephrine in a manner other than as prescribed.
- Any pupil requiring insulin shots must establish a plan for administration of insulin shots with the Principal in consultation with the parent or guardian and the pupil's medical professional.

#### **First Aid, CPR, and Health Screening**

Alpha Public Schools recognizes the importance of taking appropriate preventive or remedial measures to minimize accidents or illness at the School or during school-sponsored activities. To this end, the School expects parents/guardians to provide emergency information and to keep

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such information current in order to facilitate immediate contact with parents/guardians if an accident or illness occurs.

Within the School's facilities, a First Aid Kit containing appropriate supplies will be present. First aid will be administered whenever necessary by trained staff members. When necessary, the appropriate emergency personnel will be called to assist.

The School and its officers and employees shall not be held liable for the reasonable treatment of a child without the consent of a parent or guardian when the child is ill or injured during regular school hours or at a school-related activity, requires reasonable medical treatment, and the parent or guardian cannot be reached, unless the parent or guardian has previously filed with the School a written objection to any medical treatment other than first aid.

The School shall screen for vision, hearing and scoliosis as required by Education Code Section 49450, *et seq.*, per appropriate grade levels. A parent or guardian may file annually with the Principal a written and signed statement stating that he will not consent to a physical examination of his child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

Students enrolled in kindergarten in a public school, or while enrolled in first grade if the pupil was not previously enrolled in kindergarten in a public school, are required to have an oral health assessment completed by a dental professional.

To prevent the spread of head lice infestations, School employees shall report all suspected cases of head lice to the administrative team as soon as possible. If nits or lice are found, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.

The Principal, or designee, shall send home the notification required by law for excluded students. If there are two or more students affected in any learning center, an exposure notice with information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

Excluded students may return to school when reexamination by the nurse, or designee, shows that all nits and lice have been removed.

### **Exposure Control Plan For Blood Borne Pathogens**

The Principal, or designee, shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the workplace. The Principal, or designee, shall establish a written “Exposure Control Plan” designed to protect employees from possible infection due to contact with blood borne viruses, including human immunodeficiency virus (“HIV”) and hepatitis B virus (“HBV”).

The Principal shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the School’s “Exposure Control Plan,” employees having occupational exposure shall be trained in accordance with applicable state regulations and offered the hepatitis B vaccination.

The Principal, or designee, may exempt designated first-aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the School’s exposure determination may petition to be included in the School’s employee in-service training and hepatitis B vaccination program. Any such petition should be submitted to the Principal, or designee, who shall evaluate the request and notify the petitioners of his/her decision. The Principal, or designee, may deny a request when there is no reasonable anticipation of contact with infectious material.

### **Classroom and School Visitation, Volunteer, and Removal Policy**

While the School encourages parents/guardians and interested members of the community to visit the charter school and view the educational program, the School also endeavors to create a safe environment for students and staff. Additionally, parents volunteering in the classroom can be extremely helpful to our teachers and valuable to our students. We thank all parents for their willingness to volunteer in this manner.

Nevertheless, to ensure the safety of students and staff as well as to minimize interruption of the instructional program, the School has established the following procedures to facilitate volunteering and visitations during regular school days:

#### **Volunteering**

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Parents or guardians who are interested in volunteering in the classroom must adhere to the following guidelines:

1. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be (1) fingerprinted and (2) receive background clearance prior to volunteering without the direct supervision of a credentialed employee.
2. A volunteer shall also have on file with the School a certificate showing that, upon initial volunteer assignment, the person submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. If no risk factors are identified, an examination is not required. At the discretion of the School Board of Directors, this paragraph shall not apply to a volunteer whose functions do not require frequent or prolonged contact with pupils.
3. Volunteering must be arranged with the classroom teacher and school leadership team or designee, at least forty-eight (48) hours in advance. Non-school aged siblings are not permitted on campus or in the classroom when the parent is volunteering.
4. A volunteer may not volunteer in the classroom for more than three (3) hours per month without permission from the classroom teacher or a member of the school leadership team.
5. Prior to volunteering in the classroom, the volunteer should communicate with the teacher to discuss the expectations for volunteering needs. Classroom volunteers are there to benefit the entire class and are not in class solely for the benefit of their own child. Classroom volunteers must follow the instructions provided by the classroom teacher or aide. Classroom rules also apply to volunteers to ensure minimal distraction to the teacher. If a volunteer is uncomfortable following the direction of the teacher or aid the volunteer may leave their volunteer position for that day.
6. Information gained by volunteers regarding students (e.g. academic performance or behavior) is to be maintained in strict confidentiality.

7. Volunteers shall follow and be governed by all other guidelines indicated elsewhere in this Policy. This includes, but is not limited to, the process of registering and signing out of the campus at the main office as indicated below.

8. Volunteer hours are applied to the non-mandatory 15 hours of volunteering requested pursuant to the Family Handbook.

9. This Policy does not authorize the School to permit a parent/guardian to volunteer or visit the campus if doing so conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

### **Visitation**

To ensure the safety of students and staff as well as to minimize interruption of the instructional program, the School has established the following procedures, pursuant to California Penal Code Sections 627, *et seq.*, to facilitate visits during regular school days:

1. Visits during school hours should first be arranged with the teacher and Principal or designee, at least 24 hours in advance. If a conference is desired, an appointment should be set with the teacher during non-instructional time, at least three days in advance. Parents seeking to visit a classroom during school hours must first obtain the written approval of the classroom teacher and the Principal or designee. Except for unusual circumstances, approved by the Principal, classroom visits should not exceed approximately 45 minutes in length and may not occur more than once per week.
2. When there are a large number of requests, the School shall schedule a minimum of two (2) observation days per school year for parents who are considering application for enrollment. Interested parent observers shall be asked to conduct their observations on one of the scheduled days.
3. All visitors, including parents or guardians of currently enrolled students, shall register with the front office immediately upon entering any school building or grounds when during regular school hours. When registering, the visitor may be required to provide his/her name, address, occupation, age (if under 21), his/her purpose for entering school grounds, and proof of identity. For purposes of school safety and security, the Principal

or designee may design a visible means of identification for visitors while on school premises.

4. If the visitor is a government officer/official (including but not limited to local law enforcement officers, immigration enforcement officers, social workers, district attorneys, or U.S. attorneys) the officer/official will also be asked to produce any documentation that authorizes school access. The School shall make reasonable efforts to notify parents or guardians prior to permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant or instructions from the officer/official. A copy of the documentation provided by the officer and notes from the encounter may be maintained by the School, consistent with the law. The Principal will report to the School's Governing Board and Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes, as recommended by the Attorney General.
5. The Principal, or designee, may refuse to register an outsider if he or she has a reasonable basis for concluding that the visitor's presence or acts would disrupt the school, its students, its teachers, or its other employees; would result in damage to property; or would result in the distribution or use of unlawful or controlled substances.
6. The Principal or designee may withdraw consent to be on campus whenever there is reasonable basis for concluding that the visitor presence on school grounds would interfere or is interfering with the peaceful conduct of the activities of the school, or would disrupt or is disrupting the school, its students, its teachers, or its other employees.
7. The Principal or designee may request that a visitor who has failed to register, or whose registration privileges have been denied or revoked, promptly leave school grounds. When a visitor is directed to leave, the Principal or designee shall inform the visitor that if he/she reenters the school without following the posted requirements he/she will be guilty of a misdemeanor.
8. The classroom teacher has full discretion as to their use of volunteers and the time and duration of in-class volunteer participation.
9. Visitors volunteering in classrooms shall follow all other guidelines indicated elsewhere in this policy. Classroom volunteers are there to benefit the entire class and are not in class solely for the benefit of their own child. Classroom volunteers must follow the instructions provided by the classroom teacher or aide. Classroom rules also apply to parent volunteers to ensure minimal distraction to the teacher. If a volunteer is

uncomfortable following the direction of the teacher or aid, the volunteer may leave their volunteer position for that day.

10. Information gained by volunteers regarding individual students (e.g. academic performance or behavior) is to be maintained in strict confidentiality. Questions or comments concerning a child's academic performance or behavior must be done in a separate meeting between parent and teacher, as arranged with the teacher. Student discipline is to be left to the teacher, even for a parent volunteer's own child, with the exception of light reminders to students to stay on task.
11. Any visitor that is denied registration or has his/her registration revoked may request a hearing before the Principal. The request shall be in writing, shall state why the denial or revocation was improper, shall give the address to which notice of hearing is to be sent, and shall be delivered to the Principal within five (5) days after the denial or revocation. The Principal shall promptly mail a written notice of the date, time, and place of the hearing to the person who requested the hearing. A hearing before the Principal shall be held within seven business days after receipt of the request. The Principal shall respond within seven work days.
12. The Principal or designee may seek the assistance of the police in dealing with or reporting any visitor in violation of this policy.
13. At each entrance to the School grounds, signs shall be posted specifying the hours during which registration is required, stating where the office of the Principal or designee is located and what route to take to that office, and setting forth the penalties for violation of this policy.
14. No electronic listening or recording device may be used by students or visitors in a classroom without the teacher's and Principal's written permission.

#### Penalties

1. Pursuant to the California Penal Code, if a visitor does not leave after being asked or if the visitor returns without following the posted requirements after being directed to leave, he/she will be guilty of a crime as specified which is punishable by a fine of up to \$500.00 or imprisonment in the County jail for a period of up to six (6) months or both.
2. Further conduct of this nature by the visitor may lead to the School's pursuit of a restraining order against such visitor which would prohibit him/her from coming onto

school grounds or attending School activities for any purpose for a period of three (3) years.

## **Independent Study Policy**

The purpose of this policy is to govern the use of Independent Study for students who may be absent for an extended period of time.

Independent Study requires approval from the Principal or his/her designee in writing. In an extenuating circumstance (i.e. serious illness or injury) the Principal, or designee, may approve additional IS days following conference with the parents and teacher. The Principal, or designee, reserves the right to deny Independent Study for any reason.

Independent Study is conducted solely for the educational benefit of the students attending the School as a means to encourage daily engagement in school work even during times of extended absence. No student is required to request or participate in an independent study program during an extended absence. Parents are to give advance notice when possible of a request for independent study. In an extenuating circumstance (i.e. a serious illness, injury or family emergency), with Principal approval, a certificated staff member/teacher will work with the parent to implement an independent study program in an expedited manner with less than one (1) school day notice.

The Board of Directors has adopted the following statements in accordance with Education Code Section 51747:

- (a) For pupils in all grade levels offered by the School, the maximum length of time that may elapse between the time an assignment is made and the date by which the pupil must complete the assigned school work shall be thirty (30) days. The assignment(s) must be completed and returned to the teacher through a face to face meeting, facsimile, mail, or other credible method of meeting and reviewed upon completion of the Independent Study Program for all grades, unless extended by the Principal, or designee, in consultation with the teacher.
- (b) An evaluation will be made by a committee made up of the student's teacher and the Principal as to whether it is in the student's best interest to participate in the independent study program during an absence upon the student missing 3 assignments during any



[insert length (i.e. 20 school days)]. A written record of the findings of this evaluation shall be placed in the student's permanent record and shall be maintained for a period of three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

(c) A current, written independent study master agreement for each student shall be maintained on file. Each agreement shall be signed and dated and in effect prior to the start of reporting attendance (ADA) pursuant to that agreement. The agreement shall contain all the items listed below:

- The manner, time, frequency and place for submitting a student's assignments and for reporting his or her progress.
- The objectives and methods of study for the student's work, and the methods utilized to evaluate that work.
- The specific resources, including materials that will be made available to the student.
- A statement of the policies adopted herein regarding the maximum length of time allotted between the assignment and the completion of a student's assigned work, and the number of missed assignments before an evaluation of whether or not the student should be allowed to continue in independent study.
- The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one (1) school year.
- The inclusion of a statement that independent study is an optional educational alternative in which no student may be required to participate.
- Each written agreement shall be signed, before the commencement of independent study, by the student, the student's parent, legal guardian, or caregiver, if the student is less than 18 years of age, the certificated teacher/staff member who has been designated as having responsibility for the general supervision of independent study, and all other persons who have direct responsibility for providing instructional assistance to the student.

- The measures of academic accomplishment appropriate to the agreement to be earned by the student upon completion.

(d) Attendance Accounting:

The School recognizes that families may not evenly distribute student’s work assignments over weekdays. However, due to strict State law requirements for charter school attendance, the School expects each student to be engaged in an educational activity required of them in the assignment on each weekday that the School is in session, and asks that this “daily engagement” be documented on a daily basis in the student log by the parent/guardian. This should not be read to prohibit schoolwork on weekends and should not be read to dictate the manner in which a family distributes the assignments over the independent study period.

The School asks that a parent/guardian refrain from documenting any “daily engagement” on a day where a student did not engage in any educational activity required of them by the assignment. Work done on weekends or other days when school is not in session cannot be used to “make-up” weekdays where no “daily engagement” occurred.

(e) The School may establish regulations to implement these policies in accordance with the law.

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## Annual Notices

### Cal Grant Program Notice

The School is required by state law to submit the GPA of all high school seniors by Oct. 1 of each year, unless the student over age 18 or parent/guardian for those under 18 opt-out. Students currently in eleventh (11th) grade will be deemed a Cal Grant applicant, unless the Student (or Parent, if the Student is under 18) has opted out by or before February 1.

### **Concussion / Head Injury Annual Notice**

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. Because the School has elected to offer an athletic program, we must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The athlete may not return to that activity until he or she is evaluated by, and receives written clearance from, a licensed health care provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

### **Sexual Education Annual Notice**

The purpose of the School's sexual health education and/or HIV/AIDS prevention education is to provide every student with the knowledge and skills necessary to protect their sexual and reproductive health from unintended pregnancy and sexually transmitted diseases.

The School will provide instruction in comprehensive sexual health education, HIV/AIDS prevention education, and/or will conduct assessments on pupil health behaviors and risks in the coming school year in accordance with state guidelines, standards, and regulations.

Parents or guardians may:

- Inspect the written and audiovisual educational materials used in the comprehensive sexual health and HIV/AIDS prevention education.
- Request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education.
- Request a copy of Education Codes 51930 through 51939.
- Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by School personnel or outside consultants.
- When the School chooses to use outside consultants or to hold an assembly with guest speakers to teach comprehensive sexual health or HIV/AIDS prevention education, be informed of:
  - The date of the instruction
  - The name of the organization or affiliation of each guest speaker.

### **Free and Reduced Lunch Annual Notice**

The School participates in the National School Lunch Program. Applications for free or reduced price meals are included in the first day packets to all families and can also be obtained on the School website and in the office. All families are encouraged to complete the application form in order to include as many eligible students as possible.

### **Child Find Annual Notice**

As a part of Alpha's *Child Find* obligations, a notice is included in the first day packets to all families, and can also be obtained in the office. This letter details the process for referring a student with a suspected disability to the school, and shares contact information for the Special Education Department.

## **Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy**

Alpha Public Schools believes all students have the right to a safe and civil learning environment. Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, the School prohibits any acts of discrimination, harassment, sexual harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, "discrimination, sexual harassment, harassment, intimidation, and bullying" describe the intentional conduct, including verbal, physical, written communication, or cyber-bullying, including cyber sexual bullying, that is based on the actual or perceived characteristics of disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, immigration status, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance, or regulation. In addition, bullying encompasses any conduct described in the definitions set forth in this policy. Hereafter, such actions are referred to as "misconduct prohibited by this policy."

To the extent possible, the School will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. School staff who witness acts of misconduct prohibited by this policy will take immediate steps to intervene, when safe to do so.

Moreover, the School will not condone or tolerate misconduct prohibited by this policy by any employee, independent contractor, or other person with which the School does business, or any other individual, student, or volunteer. This policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. The School will promptly and thoroughly investigate any complaint of such misconduct prohibited by this policy and take appropriate corrective action, if warranted.

**Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator (“Coordinator”):**

Shara Hegde, Chief Schools Officer  
Alpha Public Schools  
2110 Story Rd. Suite 250  
San Jose, CA 95122

**Definitions**

**Prohibited Unlawful Harassment**

- Verbal conduct such as epithets, derogatory jokes or comments or slurs
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with school because of sex, race or any other protected basis
- Retaliation for reporting or threatening to report harassment
- Deferential or preferential treatment based on any of the protected classes above

**Prohibited Unlawful Harassment under Title IX**

Title IX (20 U.S.C. § 1681 *et. seq*; 34 C.F.R. § 106.1 *et. seq*) and California state law prohibit harassment on the basis of sex. In accordance with these existing laws, discrimination on the basis of sex in education institutions is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by the School.

The School is committed to provide a workplace and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment educational, or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against him/her or against another individual.

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults and
  - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body
  
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience
  - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct
  - Subjecting or threats of subjecting an employee or student to unwelcome sexual attention or conduct or intentionally making performance more difficult because of the employee's or student's sex
  
- Sexual or discriminatory displays or publications anywhere in the workplace or educational environment, such as:

- Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the educational environment
- Reading publicly or otherwise publicizing in the educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic, and
- Displaying signs or other materials purporting to segregate an individual by sex in an area of the educational environment (other than restrooms or similar rooms)

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this policy.

### **Prohibited Bullying**

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students that may constitute as sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil\* or pupils in fear of harm to that pupil’s or those pupils’ person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the School.

\*”Reasonable pupil” is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

**Cyberbullying** is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying

also includes breaking into another person’s electronic account and assuming that person’s identity in order to damage that person’s reputation.

“Electronic Act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

1. A message, text, sound, video or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of “bullying,” above.
  - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in the definition of “bullying,” above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of “bullying,” above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
3. An act of “cyber sexual bullying” including, but not limited to:
  - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of “bullying,” above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - b. Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of “bullying” and “electronic act” above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.



## Grievance Procedures

### **Reporting**

All staff members are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this policy, to intervene as soon as it is safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this policy.

Any employee or student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Coordinator, listed above:

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights.

All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the Principal or designee. While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. However, oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

Students are expected to report all incidents of misconduct prohibited by this policy or other verbal, or physical abuses. e Any student who feels she/he is a target of such behavior should immediately contact a teacher, counselor, principal, Coordinator, a staff person, or a family member so that she/he can get assistance in resolving the issue in a manner that is consistent with this policy.

The School acknowledges and respects every individual's rights to privacy. To that end, consistent with legal requirements, all reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Coordinator or administrative designee on a case-by-case basis.

The School prohibits any form of retaliation against any reporter in the reporting process, including but not limited to a reporter's filing of a complaint or the reporting of instances of

misconduct prohibited by this policy. Such participation shall not in any way affect the status, grades or work assignments of the reporter.

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All staff will receive sexual harassment training and/or instruction concerning sexual harassment as required by law.

### **Investigation**

Upon receipt of a report of misconduct prohibited by this policy from a student, staff member, parent, volunteer, visitor or affiliate of the School, the Coordinator or administrative designee will promptly initiate an investigation.

Complaints shall be investigated and resolved within thirty (30) school days, unless circumstances reasonably require additional time. If the Coordinator, or administrative designee determines that an investigation will take longer than thirty (30) school days, he or she will inform the complainant.

All records related to any investigation of discrimination, harassment, intimidation or bullying will remain in a secure location in the Main Office of the School.

At the conclusion of the investigation, the Coordinator or administrative designee will meet with the complainant and, to the extent possible with respect to confidentiality laws, provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, in no case may the Coordinator or administrative designee reveal confidential information related to other students or employees, including the type and extent of discipline issued against such students or employees.

All records related to any investigation or complaints under this Policy are maintained in a secure location.

### **Appeal**

Should the Complainant find the Coordinator or designee resolution's unsatisfactory, he/she may within five (5) school days of the date of resolution, file an appeal with the Chief Schools Officer. In such cases, at least three (3) certificated School employees who are unfamiliar with

the case and who have been previously designated and trained for this purpose shall be assembled to conduct a confidential review of the Complainant's appeal and render a final disposition.

### **Uniform Complaint Procedures**

When harassment or bullying is based upon one of the protected characteristics set forth in this Policy, a complainant may also fill out a Uniform Complaint Procedures ("UCP") complaint form at any time during the process, consistent with the procedures laid out in this Handbook.

### **Consequences**

Students who engage in misconduct prohibited by this policy may be subject to disciplinary action, up to and including suspension and/or expulsion, as outlined in the Student Discipline Policy of the School.

## **General Complaints Policy**

### **Internal Complaint Policy**

Suggestions for improving the School are always welcome. Your good-faith complaints, questions, and suggestions also are of concern to the School. We ask you to first discuss your concerns with your child's teacher, principal, and then follow these steps:

Any complaint shall be put in writing using the "Complaint Form" and addressed to the Principal. A written complaint shall include:

1. The full name of each person involved
2. A brief but specific summary of the complaint and the facts surrounding it
3. A specific description of any prior attempt to discuss the complaint with the person and the failure to resolve the matter

The Principal shall investigate the complaint as necessary and shall promptly mail a written notice to the Complainant of the date, time, and place of a meeting between the Complainant and the Principal, which shall occur no later than ten (10) school days following the receipt of complaint.

If no resolution can be agreed upon between the Principal and the Complainant, the Principal shall submit the complaint to the Chief Schools Officer.

The Chief Schools Officer may seek additional investigation by the Principal as he/she deems necessary and will issue a resolution. The Chief Schools Officer will make the final determination regarding the dispute and shall notify the Complainant of the resolution within ten school days of the determination.

This procedure, which we believe is important for both you and the School, cannot guarantee that every problem will be resolved to your satisfaction. However, the School values your observations and you should feel free to raise issues of concern, in good faith, without the fear of retaliation.

### **Policy for Complaints Against Employees**

The School requires all employees to observe the highest standard of business and personal ethics in the conduct of their duties and responsibilities. As representatives of the School, employees must practice honesty and integrity in fulfilling responsibilities and comply with all applicable laws and regulations.

It is the responsibility of all employees to comply with school policies noted in the Employment Guidelines and to report violations or suspected violations in accordance with this Whistleblower Policy.

Depending on the nature of the complaint, the complainant will be provided information concerning the applicable policy and procedures to be followed. If there is no applicable policy or procedures, the Principal (or designee) shall encourage the parties involved to seek an informal resolution of the issues. If this is not possible due to the nature of the complaint or if informal resolution has been unsuccessfully attempted, the Principal (or designee) shall undertake a responsible inquiry into the complaint to ensure it is reasonably and swiftly addressed. When appropriate, a written statement of the complaint will be obtained from the complainant.

If the complainant files a written complaint and no other school policy or procedure is applicable, the Principal (or designee) shall abide by the following process:

1. Within 10 working days of the receipt of the complaint, the Principal or designee shall use his or her best efforts to talk with the parties identified in the complaint and to ascertain the facts relating to the complaint.

2. In the event that the Principal (or designee) finds that a complaint against an employee is valid, the Principal (or designee) may take appropriate disciplinary action against the employee. As appropriate, the Principal (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
3. The Principal's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Chief Schools Officer. The decision of the Chief Schools Officer shall be final.

### **Confidentiality**

Complainants will be notified that information obtained from the complainants and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.

### **Non-Retaliation**

Complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

### **Resolution**

The administration will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

## **Nondiscrimination**

The School does not discriminate against any student or employee on the basis of actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, religion, religious affiliation, sexual orientation, or any other characteristic that is contained in the definition of hate crimes in the California Penal Code.

The School adheres to all provisions of federal law related to students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 ("ADA"), and the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA").

The School is committed to providing a work and educational atmosphere that is free of unlawful harassment under Title IX of the Education Amendments of 1972 (sex); Titles IV, VI, and VII of the Civil Rights Act of 1964 (race, color, or national origin); The Age Discrimination in Employment Act of 1967; The Age Discrimination Act of 1975; the IDEA; and Section 504 and Title II of the ADA (mental or physical disability).

The School also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, religious affiliation, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. The School does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee, independent contractor or other person with which the School does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. The School will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted. Inquiries, complaints, or grievances regarding harassment as described in this section, above, should be directed to the Charter School Uniform Complaint Procedures (“UCP”) Compliance Officer:

Chief Schools Officer  
Alpha Public Schools  
2110 Story Rd. Suite 250  
San Jose, CA 95122

## **Uniform Complaint Policy and Procedures**

### **Scope**

The School’s policy is to comply with applicable federal and state laws and regulations. The School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. The School shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure (“UCP”) adopted by our Governing Board. This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

- (1) Complaints of unlawful discrimination, harassment, intimidation, or bullying against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived characteristics of age, ancestry, color, ethnic group identification, immigration status, gender expression, gender identity, gender, genetic information, physical disability, mental disability, medical condition, marital status, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, in any School’s program or activity.
- (2) Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: Foster and Homeless Youth Services; Every Student Succeeds Act/No Child Left Behind Act (2001) Programs (Title I-VII); Adult Education Programs, Consolidated Categorical Aid Programs, Migrant Education, Career Technical and Technical Education and Career Technical and Technical Training Programs, Child Care and Development Programs, Child Nutrition Programs, and Special Education Programs.
- (3) A complaint may also be filed with the Principal or Compliance Officer alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. “Educational activity” means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  - b. “Pupil fee” means a fee, deposit or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of Section 49011 of the Education Code and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
    - i. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

- ii. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
    - iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
  - c. A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.
  - d. If the School finds merit in a pupil fees complaint the School shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the School to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
  - e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- (4) Complaints of noncompliance with the requirements governing the Local Control Funding Formula, Local Control Accountability Plan, or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
  - (5) Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If the School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the School shall provide a remedy to the affected pupil.
  - (6) Complaints of noncompliance with the requirements of Education Code Section 48645.7 regarding the rights of juvenile court school pupils when they become entitled to a



diploma. If the School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the School shall provide a remedy to the affected pupil.

The School acknowledges and respects every individual's rights to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects [to the greatest extent reasonably possible] the confidentiality of the parties and the integrity of the process. The School cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, the School will attempt to do so as appropriate. The School may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the Principal or designee on a case-by-case basis.

The School prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

#### Compliance Officers

The School's Board of Directors designates the following Compliance Officer to receive and investigate complaints and to ensure the School's compliance with law:

Chief Schools Officer  
Alpha Public Schools  
2110 Story Rd. Suite 250  
San Jose, CA 95122

The Chief Schools Officer or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Chief Schools Officer or designee.

Should a complaint be filed against the Chief Schools Officer, the compliance officer for that case shall be the CEO.

## **Notifications**

The Chief Schools Officer or designee shall annually provide written notification of the School's uniform complaint procedures to employees, students, parents and/or guardians, advisory committees, private school officials and other interested parties (e.g., Adult Education).

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code if fifteen (15) percent or more of the pupils enrolled in the School speak a single primary language other than English.

The Principal or designee shall make available copies of the School's uniform complaint procedures free of charge.

### **The annual notice shall include the following:**

- (a) A statement that the Charter School is primarily responsible for compliance with federal and state laws and regulations.
- (b) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- (c) A statement identifying the responsible staff member, position, or unit designated to receive complaints.
- (d) A statement that the complainant has a right to appeal the Charter School's decision to the CDE by filing a written appeal within 15 days of receiving the Charter School's Decision.
- (e) A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
- (f) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

## **Uniform Complaint Procedures**

The following procedures shall be used to address all complaints which allege that the School has violated federal or state laws or regulations governing educational programs. Compliance Officers shall maintain a record of each complaint and subsequent related actions.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

### **Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the School.

A complaint alleging unlawful discrimination, harassment, intimidation, and/or bullying shall be initiated no later than six (6) months from the date when the alleged discrimination, harassment, intimidation, and/or bullying occurred, or six months from the date when the Complainant first obtained knowledge of the facts of the unlawful alleged discrimination, harassment, intimidation, and/or bullying. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, and/or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation, and/or bullying.

Pupil fees complaints shall be filed not later than one (1) year from the date the alleged violation occurred.

The complaint shall be presented to the Compliance Officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

If a Complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, School staff shall assist him/her in the filing of the complaint.

### **Step 2: Mediation**

Within three days of receiving the complaint, the Compliance Officer may informally discuss with the Complainant the possibility of using mediation. If the Complainant agrees to mediation, the Compliance Officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation, and/or bullying complaint, the Compliance Officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the Compliance Officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the School's timelines for investigating and resolving the complaint unless the Complainant agrees in writing to such an extension of time.

### **Step 3: Investigation of Complaint**

The Compliance Officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the Complainant and/or his/her representative to repeat the complaint orally.

The Complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A Complainant's refusal to provide the School's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

The School's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the Complainant.

### **Step 4: Response**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the Charter School's investigation and decision, as described in Step #5 below, within sixty (60) days of the Charter School's receipt of the complaint.

## **Step 5: Final Written Decision**

The School's decision shall be in writing and sent to the Complainant. The School's decision shall be written in English and in the language of the Complainant whenever feasible or as required by law.

The decision shall include:

- 1048576. The findings of fact based on evidence gathered.
- 1048577. The conclusion(s) of law.
- 1048578. Disposition of the complaint.
- 1048579. Rationale for such disposition.
- 1048580. Corrective actions, if any are warranted.
- 1048581. Notice of the Complainant's right to appeal the School's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
- 1048582. For unlawful discrimination, harassment, intimidation, and/or bullying complaints arising under state law, notice that the Complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
- 1048583. For unlawful discrimination, harassment, intimidation, and/or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of the School's expectations. The report shall not give any further information as to the nature of the disciplinary action.

## **Appeals to the California Department of Education**

If dissatisfied with the School's decision, the Complainant may appeal in writing to the CDE within fifteen (15) days of receiving the School's decision. When appealing to the CDE, the Complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the School's decision.

Upon notification by the CDE that the Complainant has appealed the School's decision, the Chief Schools Officer or designee shall forward the following documents to the CDE:

- A copy of the original complaint.
- A copy of the decision.
- A summary of the nature and extent of the investigation conducted by the School, if not covered by the decision.
- A copy of the investigation files, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
- A report of any action taken to resolve the complaint.
- A copy of the School's complaint procedures.
- Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by the School when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which the School has not taken action within 60 days of the date the complaint was filed with the School.

### **Civil Law Remedies**

A Complainant may pursue available civil law remedies outside of the School's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation, and/or bullying complaints arising under state law, however, a Complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the School has

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appropriately, and in a timely manner, apprised the Complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

## General Complaint Form

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you have a complaint  
against: \_\_\_\_\_

List any witnesses that were  
present: \_\_\_\_\_

Where did the incident(s) occur?  
\_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

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I hereby authorize Alpha Public Schools to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further

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understand providing false information in this regard could result in disciplinary action up to and including termination.

\_\_\_\_\_  
Signature of Complainant

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

To be completed by School:

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

## Uniform Complaint Procedure Form

Last Name: \_\_\_\_\_ First Name/MI: \_\_\_\_\_  
 Student Name (if applicable): \_\_\_\_\_ Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Street Address/Apt. #: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 School/Office of Alleged Violation: \_\_\_\_\_

**For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Adult Education                  | <input type="checkbox"/> Consolidated Categorical Programs | <input type="checkbox"/> Nutrition Services            |
| <input type="checkbox"/> Career/Technical Education       | <input type="checkbox"/> Migrant and Indian Education      | <input type="checkbox"/> Special Education             |
| <input type="checkbox"/> Child Development Programs       | <input type="checkbox"/> Pupil Fees                        | <input type="checkbox"/> Local Control Funding Formula |
| <input type="checkbox"/> Special Education                |  | <input type="checkbox"/> Lactating Pupils              |
| <input type="checkbox"/> Foster/Homeless Youth            |  | <input type="checkbox"/> Juvenile Court School Pupils  |
| <input type="checkbox"/> Every Student Succeeds Act Prog. |  |  |

**For allegations of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:**

- |                                 |  |   |
|---------------------------------|--|---|
| Age                             | Gender / Gender Expression / Gender Identity | Sex (Actual or Perceived)   |
| Ancestry                        | National Origin                              | Sexual Orientation (Actual or Perceived)  |
| Color                           | Race or ethnicity                            | Based on association with a person or group with one or more of these actual or perceived characteristics |
| Disability (Mental or Physical) | Religion                                     | Genetic information   |
| Ethnic Group Identification     | Marital Status                               | Immigration Status  |
| Medical Condition               |  |   |

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

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2. Have you discussed your complaint or brought your complaint to any Charter School personnel? If you have, to whom did you take the complaint, and what was the result?

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3. Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents.  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mail complaint and any relevant documents to:

Chief Schools Officer  
Alpha Public Schools  
2110 Story Rd, Suite 250  
San Jose, CA 95122

Alpha Public Schools

**Title IX, Harassment, Intimidation, Discrimination, and Bullying  
Complaint Form**

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you have a complaint against: \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

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**I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.**

\_\_\_\_\_  
Signature of Complainant

Date: \_\_\_\_\_

\_\_\_\_\_

Print Name

**To be completed by the School:**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Follow up Meeting with Complainant held on: \_\_\_\_\_