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# FAMILY HANDBOOK

## 2021-22

- \*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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# **GENERAL INFORMATION**

## **Mission and Vision**

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

Alpha Public Schools (“Alpha,” or the “School,” or the “Charter School”) 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 is determined by a lottery system. Admissions preferences are given to siblings of current students, children of Alpha staff and board members (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 each of the campus’ websites (<https://www.alphapublicschools.org/schools/>) and in the main office.

## **School Schedules**

Alpha: Cornerstone Academy Preparatory School operates from 7:45 a.m. until 3:15 p.m., every day except Wednesday which is a minimum day (12:10 p.m. Dismissal).

Alpha: Blanca Alvarado School operates from 8:30 a.m. until 3:30 p.m., every day except Wednesday which is a minimum day (12:45 p.m. Dismissal). Elementary dismissal is at 3:30pm, 12:30pm on minimum day.

Alpha: Jose Hernandez School operates from 8:00 AM until 3:00 PM, every day except Wednesday, which is minimum day (12:00 PM Dismissal). Elementary dismissal is at 2:30 PM, 12:00 PM on minimum day.

Alpha: Cindy Avitia High School operates from 8:00 a.m. until 3:30 p.m. every day except Wednesday, which is a minimum day (12:30 p.m. Dismissal). Note: Your child may be required to stay for additional help from their teacher until 4:00 p.m. on select days, except Thursday. 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.

### **School Accountability Report Card**

School Accountability Report Cards (“SARC”) are updated and reported each year in the spring for the previous year. The SARC is available on the school webpage at [www.alphapublicschools.org](http://www.alphapublicschools.org), and also available in hard copy at the school’s main office.

### **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. Parental participation in any form is important to the School community. Below are a few preferred ideas for how to participate:

- 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:

- 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)

A copy of the School’s complete Family Involvement Policy is available in the main office.

# **INSTRUCTIONAL PROGRAM**

## **English Learners**

Alpha is committed to the success of its English Learners and support will be offered both within academic classes and in supplemental settings for students who need additional support for English language learning. Alpha will meet all applicable legal requirements for English Learners as they pertain to annual notification to parents, student identification, placement, program options, English Learners and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. Alpha will implement policies to assure proper placement, evaluation, and communication regarding English Learners and the rights of students and parents.

English Learners, determined through the English Language Proficiency Assessments for California (“ELPAC”) testing process, could be considered “at risk” based on the challenges they face in acquiring mastery of subject areas in English. English Learners will 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.

## **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.

## **Availability of Prospectus**

Upon request, the School will make available to any parent or legal guardian, a school prospectus, which shall include the curriculum, including titles, descriptions, and instructional aims of every course offered. Please note that, pursuant to law, the School may charge for the prospectus in an amount not to exceed the cost of duplication.

## **California Healthy Kids Survey**

The School will administer the California Healthy Kids Survey (“CHKS”) to those 5<sup>th</sup> or 6<sup>th</sup> and 7<sup>th</sup> grade students whose parents or guardians provide written permission. The CHKS is an anonymous, confidential survey of school climate and safety, student wellness, and youth resiliency that enables the School to collect and analyze data regarding local youth health risks and behaviors, school connectedness, school climate, protective factors, and school violence.

## **Sexual Health Education**

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 to its students in grades 7-12. A parent or guardian of a student has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt-out") process. The School does not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention education.

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 sections 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.

Anonymous, voluntary, and confidential research and evaluation tools to measure student's health behaviors and risks (including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes concerning or practices relating to sex) may be administered to students in grades 7-12. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the School.

A student may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on student health behaviors and risks, if the School has received a written request from the student's parent or guardian excusing the student from participation. An alternative educational activity shall be made available to students whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.



### **Animal Dissections**

Students at the School may perform animal dissections as part of the science curriculum. Any pupil who provides his or her teacher with a written statement, signed by his or her parent/guardian, specifying the pupil's moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, may be excused from such activities if the teacher believes that an adequate alternative education project is possible. The alternative education project shall require a comparable time and effort investment by the pupil. It shall not, as a means of penalizing the pupil, be more arduous than the original education project. The pupil shall not be discriminated against based upon his or her moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof.

### **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/guardian, if the Student is under 18) has opted out by or before February 1.

### **Information Regarding Financial Aid**

Charter School shall ensure that each of its students receives information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application, as appropriate, at least once before the student enters grade 12. ACE will provide a paper copy of the FAFSA or the California Dream Act Application upon request.

- The FAFSA form and information regarding the FAFSA are available at:
  - <https://studentaid.gov/h/apply-for-aid/fafsa>
- The California Dream Act Application and information regarding the California Dream Act is available at:
  - <https://www.csac.ca.gov/post/resources-california-dream-act-application>

### **Teacher Qualifications**

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

### **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 “CAASPP”).

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 the CAASPP shall be granted.

## **STUDENT POLICIES AND PROCEDURES**

### **Attendance**

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 \$50.00 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;
  - Students in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
- Attendance at funeral services for a member of the immediate family (1 day if the service is conducted in California, 3 days if the service is conducted out of state). "Immediate family" shall be defined as parent or guardian, grandparent, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any other relative living in the student's household;
- Participation in religious instruction/exercises in accordance with school policy: No more than four (4) school days per month;
- Jury Duty;
- Attendance at a pupil's naturalization ceremony to become a United States citizen;
- Spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Education Code section 49701, 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. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Charter School;
- Serving as a member of a precinct board for an election pursuant to Election Code Section 12302;

- Illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child. (The School does not require a note from the doctor for this excusal);
- Authorized parental leave for a pregnant or parenting pupil for up to eight (8) weeks;
- Authorized at the discretion of a school administrator, based on the facts of the pupil's circumstances, are deemed to constitute a valid excuse;
- A pupil who holds a work permit to work for a period of not more than five (5) consecutive days in the entertainment or allied industries shall be excused from school during the period that the pupil is working in the entertainment or allied industry for a maximum of up to five (5) absences per school year subject to the requirements of Education Code Section 48225.5.
- In order to participate with a not-for-profit performing arts organization in a performance for a public-school pupil audience for a maximum of up to five (5) days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence.
- 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;
  - Observation of a holiday or ceremony of his/her religion;
  - Attendance at religious retreats not to exceed four (4) hours per semester;
  - Attendance at funeral services (for other than the immediate family);
- Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization upon written request by parent and approval by the Principal or designee pursuant to uniform standards established by the Board.

### *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. Please see the School's Promotion and Retention Policy below.

### *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 8:30 am.

<b>Attendance Contact Information</b>	
Alpha: Cornerstone Academy Email: blegaspi@alphapublicschools.org or clegaspi@alphapublicschools.org Phone: (408) 361-3876	Alpha: Blanca Alvarado School Email: jbautista@alphapublicschools.org or mmontoya@alphapublicschools.org Phone: (408) 780-0831 ext. 105
Alpha: Jose Hernandez School Email: bjuarez@alphapublicschools.org or jperez@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 or guardian, 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:

- Signed, written 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. A written recording shall be made, including information outlined above;
- 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 fourteen (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 4:00 p.m. on weekdays and after 1:30 p.m. on minimum Wednesdays. If a student does have a medical appointment during the school day, they should not miss the entire day.

Students should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or for Students in grades 7-12, inclusive, who may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian . Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to administrative regulations and law.

### *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 thirty (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.

### *Process for Students Who Are Not in Attendance at the Beginning 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. If the student has a basis for an excused absence, parents must notify the Charter School of the absence and provide documentation consistent with this policy. However, consistent with process below, students who are not in attendance due to an unexcused absence by the fifth day of the school year will be disenrolled from the Charter School roster after following the Involuntary Removal Process described below, as it will be assumed that the student has chosen another school option.

1. Students who are not in attendance on the first day of the school year will be contacted by phone to ensure their intent to enroll in the Charter School. The Charter School will use the contact information provided by the parent/guardian in the registration packet.
2. Students who have indicated their intent to enroll but have not attended by the third (3<sup>rd</sup>) day of the school year will receive a letter indicating the student's risk of disenrollment.

3. Students who have indicated their intent to enroll but have not attended by the fifth (5<sup>th</sup>) day of the school year will receive a phone call reiterating the content of the letter.
4. The Charter School will send the Involuntary Removal Notice and the CDE Enrollment Complaint Notice and form to the Parent/Guardian and follow the Involuntary Removal Process described below for any students who have not attended by the sixth (6<sup>th</sup>) day, and do not have an excused absence.
5. The Involuntary Removal Process can be started immediately upon the Charter School receiving documentation of Student's enrollment and attendance at another public or private school (i.e. a CALPADS report).

### *Excessive Absences*

In a given school year, if a student has three (3) unexcused absences or is tardy or absent for more than any thirty (30) minute period during the school day without a valid excuse on three (3) occasions in one school year, or any combination thereof, they are considered truant. The School will work with families to find solutions to excessive absenteeism and tardiness, including notifying parents formally.

However, if there is no change in behavior, the School may file the appropriate reports with the School Attendance Review Board ("SARB") or 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.

In a given school year, if a student is absent from school without a valid excuse for 10% or more of the school days in one school year, from the date of enrollment to the current date, 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.

### *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, there has been a death in the family (as described above as valid excusals), or for one of the reasons described above for excused absences. Traffic, oversleeping, missing the bus are all UNEXCUSED tardies. All excused tardies require appropriate documentation, such as a note from a parent or doctor.

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

*Arrival & Dismissal Policy*

<b>Information (In-Person Schedule)</b>	
<b>Alpha: Cornerstone Academy</b> Supervision begins at: 7:15am Breakfast begins at: 7:15am Dismissal begins at 3:15pm Supervision ends at: 3:30pm	<b>Alpha: Blanca Alvarado School</b> Supervision begins at: 8:12am Breakfast begins at: 8:15am Dismissal begins at 3:30pm (K-4 at 3:00) Supervision ends at: 3:45pm
<b>Alpha: Jose Hernandez School</b> Supervision begins at: 7:42am Breakfast begins at: 7:42am Dismissal begins at 3:00pm (K-4 at 2:30) Supervision ends at: 3:30pm	<b>Alpha: Cindy Avitia High School</b> Supervision begins at: 7:30am Breakfast begins at: 7:30am Dismissal begins at 3:30pm Supervision ends at: 4:00pm

- Unless students and families have made an appointment with individual teachers or other staff beforehand, students and families must remain outside the building prior to the School opening.
- Students are expected to respect all school property and all surrounding property while waiting for admittance into the school.
- Supervision ends 10-15 minutes after dismissal on Minimum Wednesdays.
- Families are responsible for picking up students on time. Kindergarten students must be picked up from the classrooms, so families must park legally and walk onto campus.
- (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 parent/guardian unless the parent/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, after 30 minutes post dismissal, 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.**

### **Special Education and Section 504:**

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 ("Section 504") and the Americans with Disabilities Act ("ADA"). Their educational opportunities will be affected by the development of Section 504 plans which may include related aids and services intended to mitigate the effects of the disability on educational performance.

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

The School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise subjected to discrimination under any program of the School. Any student who has an objectively identified disability which substantially limits a major life activity, including, but not limited to learning, is eligible for accommodations by the School. The parent of any student suspected of needing or qualifying for accommodations under Section 504 may make a referral for an evaluation to the Principal. A copy of the School's Section 504 policies and procedures is available upon request at the main office.

### **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. Applications for free or reduced-price meals are included in the first day packets to all families and can also be obtained on the Charter School website and in the main office. For families that do not qualify for free or reduced price lunch, the School will charge the family for meals. Completed application forms can be returned to the main office. The Charter School will provide each student who meets federal eligibility criteria for free and reduced-price meals with at least one free or reduced-price, nutritionally adequate meal per school day.



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 11434a:

- 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;
- 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;
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and/or
- 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 Liaisons**

Alpha Public Schools designates the following staff persons as the School Liaisons for homeless students (42 USC 11432(g)(1)(J)(ii):

<b>School</b>	<b>School Liaison</b>
Alpha: Blanca Alvarado School	MaríaJosé Fúnez School Operations Manager (661) 513-8483 mfunez@alphapublicschools.org
Alpha: Cindy Avitia High School	Claudia Flores School Operations Manager (408) 758-1195 cflores@alphaps.org

Alpha: Cornerstone Academy	Lana Nguyen School Operations Manager (408) 401-9563 <a href="mailto:lnguyen@alphaps.org">lnguyen@alphaps.org</a>
Alpha: José Hernández School	Cecilia Mendoza School Operations Manager (408) 318-1469 <a href="mailto:cmendoza@alphaps.org">cmendoza@alphaps.org</a>

The School Liaison shall ensure that (42 U.S.C. Section 11432(g)(6)):

- Homeless students are identified by school personnel and through outreach and coordination activities with other entities and agencies.
- Homeless students enroll in, and have a full and equal opportunity to succeed at the School.
- 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.
- 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.
- 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.
- Enrollment/admissions disputes are mediated in accordance with law, the School charter, and Board policy.
- Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
- School personnel providing services receive professional development and other support.
- 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.
- 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.
- Ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement.

- Assist homeless children and youth who do not have immunizations, or immunization or medical records to obtain necessary immunizations, or immunization or medical records.

The California Department of Education publishes a list of the contact information for the Homeless Education Liaisons in the state, which is available at: <https://www.cde.ca.gov/sp/hs/>

**High School Graduation Requirements:** Homeless students who transfer to the Charter School any time after the completion of their second year of high school shall be exempt from any of the Charter School's graduation requirements that are in excess of the California minimum graduation requirements specified in Education Code section 51225.3 ("additional graduation requirements") unless the Charter School makes a finding that the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fourth year of high school.

To determine whether a homeless student is in their third or fourth year of high school, either the number of credits the student has earned to the date of transfer or the length of the student's school enrollment may be used, whichever will qualify the student for the exemption.

Within thirty (30) calendar days of the date that a student who may qualify for exemption under the above requirements transfers into the Charter School, the Charter School shall notify the student, the student's educational rights holder, and the School Liaison of the availability of the exemption and whether the student qualifies for an exemption.

The Charter School shall notify students who are exempted from the Charter School's additional graduation requirements and the student's educational rights holder of how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and provide information about transfer opportunities available through the California Community Colleges.

The Charter School shall not require any student who would otherwise be entitled to remain in attendance at the Charter School to accept the exemption from the Charter School's additional graduation requirements or deny the student enrollment in, or the ability to complete, courses for which the student is otherwise eligible. The Charter School shall not revoke an exemption and shall grant an eligible student's request for the exemption at any time if the student qualifies, regardless of whether the student previously declined the exemption. An eligible student's exemption from the Charter School's additional graduation requirements will continue to apply while the student is enrolled in the Charter School or if the student transfers to another school even after the student no longer meets the definition of a homeless child.

The Charter School shall not require or request that a student transfer schools in order to qualify the student for the exemption. Nor shall a student, a student's parent/guardian or educational rights holder, or a student's social worker or probation officer request a transfer solely to qualify for an exemption from the Charter School's additional graduation requirements.

If a student who is exempted from the Charter School's additional graduation requirements completes the California minimum coursework requirements specified in Education Code section

51225.3 before the end of the student's fourth year of high school and would otherwise be entitled to remain in attendance at the Charter School, the Charter School shall not require or request that the student graduate before the end of the student's fourth year of high school.

If the Charter School determines the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fifth year of high school, the Charter School shall do the following:

1. Inform the student of the student's option to remain at the Charter School for a fifth year to complete the Charter School's graduation requirements.
2. Inform the student, and the educational rights holder for the student, about how remaining in school for a fifth year to complete the Charter School's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
3. Provide information to the student about transfer opportunities available through the California Community Colleges.
4. Permit the student to stay at the Charter School for a fifth year to complete the Charter School's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the educational rights holder for the student.

**Acceptance of Course Work:** The Charter School will accept any coursework satisfactorily completed at any public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency by a homeless student.

The Charter School will provide homeless students credit for the partial completion of courses taken while attending a public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency. If the student did not complete the entire course, the Charter School shall not require the student to retake the portion of the course the student completed unless the Charter School, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the homeless student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. These students shall not be prevented from taking or retaking a course to meet California State University or the University of California admission eligibility requirements.

The complete policy can also be accessed here: [Homeless Children and Youth Policy and Procedures](#) and upon request at the main office. 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.

### **Education of Foster and Mobile Youth**

**Definitions:** For the purposes of this annual notice the terms are defined as follows:

1. "Foster youth" refers to any child who has been removed from their home pursuant Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the

- subject of cases in dependency court and juvenile justice court.
2. “Former juvenile court school pupils” refers to a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to the Charter School.
  3. “Child of a military family” refers to a student who resides in the household of an active duty military member.
  4. “Currently Migratory Child” refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency (“LEA”), either within California or from another state, in order that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. “Currently Migratory Child” includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
  5. “Pupil participating in a newcomer program” means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.

Within this notice, foster youth, former juvenile court school pupils, a child of a military family, a currently migratory child, and a pupil participating in the newcomer program will be collectively referred to as “Foster and Mobile Youth.” Within this notice, a parent, guardian, or other person holding the educational rights for a Foster and Mobile Youth will be referred to as a “parent.”

**Foster and Mobile Youth Liaison:** The Principal or designee designates the following staff person as the Liaison for Foster and Mobile Youth:

School	School Liaison
Alpha: Blanca Alvarado School	MaríaJosé Fúnez School Operations Manager (661) 513-8483 mfunez@alphaps.org
Alpha: Cindy Avitia High School	Claudia Flores School Operations Manager (408) 758-1195 cflores@alphaps.org

Alpha: Cornerstone Academy	Lana Nguyen School Operations Manager (408) 401-9563 <a href="mailto:lnguyen@alphaps.org">lnguyen@alphaps.org</a>
Alpha: José Hernández School	Cecilia Mendoza School Operations Manager (408) 318-1469 <a href="mailto:cmendoza@alphaps.org">cmendoza@alphaps.org</a>

The Foster and Mobile Youth Liaison’s responsibilities include but are not limited to the following:

1. Ensuring and facilitating the proper educational placement, enrollment in school, and checkout from school of foster children.
2. Assisting foster children when transferring from one school to another school in ensuring proper transfer of credits, records and grades.

**School Stability:** The Charter School will work with foster youth and their parent to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils, including, but not necessarily limited to, interscholastic sports. All decisions regarding a foster youth’s education and placement will be based on the best interest of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

Foster youth, currently migratory children and children of military families have the right to remain in their school of origin if it is their best interest. The Charter School will immediately enroll a foster youth, currently migratory child or child of a military family seeking reenrollment in the Charter School as the student’s school of origin. If a dispute arises regarding a foster youth’s request to remain in the Charter School as the school of origin, the foster youth has the right to remain in the Charter School pending the resolution of the dispute. The Charter School will also immediately enroll any foster youth, currently migratory child or child of a military family seeking to transfer to the Charter School (subject to the Charter School’s capacity and pursuant to the procedures stated in the Charter School’s charter and Board policy) regardless of the student’s ability to meet normal enrollment documentation or uniform requirements (e.g. producing medical records or academic records from a previous school).

Foster youth, currently migratory children, and children of military families have the right to remain in their school of origin following the termination of the child’s status as a foster youth, currently migratory child or child of a military family, as follows:

1. For students in Kindergarten through eighth grade, inclusive, the student will be allowed to continue in the school of origin through the duration of the academic year in which the student’s status changed.
2. For students enrolled in high school, the student will be allowed to continue in the school of origin through graduation.

**Graduation Requirements:** Foster and Mobile Youth who transfer to the Charter School any time after the completion of their second year of high school, and pupils participating in a newcomer program who are in their third or fourth year of high school, shall be exempt from any of the Charter School's graduation requirements that are in excess of the California minimum graduation requirements specified in Education Code section 51225.3 ("additional graduation requirements") unless the Charter School makes a finding that the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fourth year of high school.

To determine whether a Foster and Mobile Youth is in their third or fourth year of high school, either the number of credits the student has earned to the date of transfer or the length of the student's school enrollment may be used, whichever will qualify the student for the exemption. In the case of a pupil participating in a newcomer program, enrollment in grade 11 or 12 may be used to determine whether the student is in their third or fourth year of high school.

Within thirty (30) calendar days of the date that a student who may qualify for exemption under the above requirements transfers into the Charter School, the Charter School shall notify the student, the parent, and where applicable, the student's social worker or probation officer, of the availability of the exemption and whether the student qualifies for an exemption.

The Charter School shall notify students who are exempted from the Charter School's additional graduation requirements and the student's parent how any of the requirements that are waived will affect the pupil's ability to gain admission to a postsecondary educational institution and provide information about transfer opportunities available through the California Community Colleges.

The Charter School shall not require any student who would otherwise be entitled to remain in attendance at the Charter School to accept the exemption from the Charter School's additional graduation requirements or deny the student enrollment in, or the ability to complete, courses for which the student is otherwise eligible. The Charter School shall not revoke an exemption and shall grant an eligible student's request for the exemption at any time if the student qualifies, regardless of whether the student previously declined the exemption. An eligible student's exemption from the Charter School's additional graduation requirements will continue to apply while the student is enrolled in the Charter School or if the student transfers to another school even after the court's jurisdiction terminates or the student no longer meets the definition of a child of military family, a currently migratory child or a pupil participating in a newcomer program.

The Charter School shall not require or request that a student transfer schools in order to qualify the student for the exemption. Nor shall a student, a student's parent/guardian or educational rights holder, or a student's social worker or probation officer request a transfer solely to qualify for an exemption from the Charter School's additional graduation requirements.

If a student who is exempted from the Charter School's additional graduation requirements completes the California minimum coursework requirements specified in Education Code section

51225.3 before the end of the student's fourth year of high school and would otherwise be entitled to remain in attendance at the Charter School, the Charter School shall not require or request that the student graduate before the end of the student's fourth year of high school.

If the Charter School determines the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fifth year of high school, the Charter School shall do the following:

5. Inform the student of the student's option to remain at the Charter School for a fifth year to complete the Charter School's graduation requirements.
6. Inform the student, and the educational rights holder for the student, about how remaining in school for a fifth year to complete the Charter School's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
7. Provide information to the student about transfer opportunities available through the California Community Colleges.
8. Permit the student to stay at the Charter School for a fifth year to complete the Charter School's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the educational rights holder for the student.

**Acceptance of Course Work:** The Charter School will accept any coursework satisfactorily completed at any public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency by a Foster and Mobile Youth.

The Charter School will provide Foster and Mobile Youth credit for the partial completion of courses taken while attending a public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency. If the student did not complete the entire course, the Charter School shall not require the student to retake the portion of the course the student completed unless the Charter School, in consultation with the holder of educational rights for the student, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the Foster and Mobile Youth shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. These students shall not be prevented from taking or retaking a course to meet California State University or the University of California admission eligibility requirements.

**Student Records:** When the Charter School receives a transfer request and/or student records request for the educational information and records of a foster youth from a new local educational agency ("LEA"), the Charter School shall provide these student records within five (5) business days. The Charter School shall compile the complete educational record of the pupil, including but not limited to a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the pupil's special education records including assessments, IEPs, and/or 504 plans. All requests for student records will be shared with the Foster and Mobile Youth Liaison, who shall be aware of the specific educational record keeping needs of Foster and Mobile Youth.



The Charter School shall not lower a foster youth's grades as a result of the student's absence due to a verified court appearance, related court ordered activity, or a change the placement of the student made by a county or placing agency. If a foster youth is absent from school due to a decision to change the placement of the student made by a county or placing agency, the grades and credits of the pupil will be calculated as of the date the student left the Charter School.

In accordance with the Charter School's educational records and student information policy, under limited circumstances, the Charter School may disclose student records or personally identifiable information contained in those records to certain requesting parties including but not limited to a foster family agency and state and local authorities within a juvenile justice system, without parental consent.

**Discipline Determinations:** If the Charter School intends to extend the suspension of any foster/youth pending a recommendation for expulsion, the Charter School will invite the student's attorney and an appropriate representative from the relevant county agency to participate in the meeting at which the extension of the suspension will be discussed.

If the Charter School intends to suspend for more than ten (10) consecutive school days or expel a student with a disability who is also a foster youth due to an act for which the recommendation for expulsion is discretionary, the Charter School will invite the student's attorney and an appropriate representative from the relevant county agency to participate in the Manifestation Determination Review meeting.

**Complaints of Noncompliance:** A complaint of noncompliance with any of the requirements outlined above may be filed through the Charter School's Uniform Complaint Procedures. A copy of the Uniform Complaint Policy and Procedures is available upon request at the main office.

**Availability of Complete Policy:** For any Foster and Mobile Youth who enrolls at the Charter School, a copy of the Charter School's complete foster youth policy shall be provided at the time of enrollment. A copy of the complete Policy is available upon request at the main office.

### **Student Records and Directory Information**

The School's administrative team is in charge of student records. Education records are any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche that directly relates to a student and is maintained by the School or by a party acting for the School.

Education records 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 records of past schools attended, and medical and health records.

What are generally not education records are records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record; records maintained by a law enforcement unit of the school that were created by that law enforcement unit for the purpose of law enforcement (if applicable); records made and maintained in the normal course of business of a school employee that 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:

- 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.
- The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, an unsubstantiated personal conclusion or inference, a conclusion or inference outside 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, 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. If the Charter School decides to amend the record as requested by the parent or eligible student,

the Principal must order the correction or the removal and destruction of the information and inform the parent or eligible student of the amendment in writing.

- 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 of 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.
- 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:

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

- The right to request that the School not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

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 to the following parties —

- To other School officials, including teachers, within the educational agency or institution whom the School has determined to have legitimate educational interests as defined by 34 C.F.R. Part 99
- 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)). When a student transfers schools, the School will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the pupil intends to enroll. School will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, School will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for hearing pursuant to the above. (§99.31(a)(2)).
- Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions.
- 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)).
- Organizations conducting certain studies for the Charter School in accordance with 20 U.S.C. § 1232g(b)(1)(F).
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7)).
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8)).
- To comply with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order. (§99.31(a)(9)).
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10)).

- State and local authorities, within a juvenile justice system, pursuant to specific State law.
- Information the School has designated as “directory information” under §99.37. (§99.31(a)(11)).
- A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the pupil’s educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by the School for student and parents, and any individualized education program (“IEP”) or Section 504 plan that may have been developed or maintained by School.
- A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include final results of the disciplinary proceedings conducted by Charter School with respect to that alleged crime or offense. Charter School disclose the final results of the disciplinary proceeding, regardless of whether Charter School concluded a violation was committed.

**Directory Information:**

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

- Participation in officially recognized activities and sports
- 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. A copy of the complete Policy is available upon request at the main office.

### **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
- 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 thirty (30) days of receipt of a written request from a parent, the Principal or designee must 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 designee must then inform the parent or eligible student of the amendment in writing.

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 thirty (30) days of the refusal, appeal the decision in writing to the Board of Directors. Within thirty (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 thirty (30) days after the conclusion of the hearing. 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, as a result of the hearing, Charter School decides that the information is inaccurate, misleading, or in violation of the privacy rights of the student, it will amend the record accordingly and inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, Charter School decides that the information in the education record is not inaccurate, misleading, or in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why they disagree with the decision of the School, or both. If the School places a statement by the parent or eligible student in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

Charter School shall update a **former** pupil's records to include the pupil's updated legal name or gender if the school district, charter school, or county office of education receives government-issued documentation, as described, demonstrating that the former pupil's legal name or gender has been changed.

### **Lost or Damaged School Property**

If a student willfully damages the Charter School's property or the personal property of a Charter School employee, or fails to return a textbook, library book, computer/tablet or other Charter School property that has been loaned to the student, the student's parents/guardians are liable for all damages caused by the student's misconduct not to exceed ten thousand dollars (\$10,000), adjusted annually for inflation. After notifying the student's parent or guardian in writing of the student's alleged misconduct and affording the student due process, Charter School may withhold the student's grades, transcripts, and diploma until the damages have been paid. If the student and the student's parent/guardian are unable to pay for the damages or to return the property, Charter School will provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the student's grades and diploma will be released.

### **Cells Phone and other Electronic Devices**

Students may not bring any items to school that may potentially disrupt the learning environment.

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

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:

TK-4: Cell phones are not permitted. Phones will be confiscated and returned only to the parent/guardian.

5-12: 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 student discipline. 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 to students and parents/guardians.

A Student shall not be prohibited from possessing or using a cellphone or smartphone under any of the following circumstances:

- (1) In the case of an emergency, or in response to a perceived threat of danger.
- (2) When a teacher or administrator of the School grants permission to a student to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator.
- (3) When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the student.
- (4) When the possession or use of a smartphone is required in a student' individualized education program.

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

TK-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 twenty (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 send treats to class. These should be coordinated through the classroom teacher. 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.



# **STUDENT BEHAVIOR & DISCIPLINE**

## **Student Discipline – Generally**

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.

Each Alpha School's 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 California Education Code Section 48900 *et seq.* which describes the noncharter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions 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 and involuntary removal 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.

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 (5) school days 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 the student, the student’s parent or guardian, or educational rights holder of the basis for which the student is being involuntarily removed and the student’s parent, guardian, or educational rights holder’s right to request a hearing to challenge the involuntary removal. If a student’s parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If a student’s parent, guardian, or educational rights holder requests a hearing, 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.

### **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.

### **Involuntary Removal**

No student shall be involuntarily removed by the 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 (5) schooldays before the effective date of the action (“Involuntary Removal Notice”). Before the School disenrolls any student, whether at the start of the school year or for other attendance related reasons, the parent or guardian of the student will be provided written notice of the School’s intent to remove the student no less than five (5) school days 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 include the charges against the student, an explanation of the student’s basic rights including the right to request a hearing before the effective date of the action, and the CDE Enrollment Complaint Notice and Form. The hearing

shall be consistent with the Charter School's expulsion procedures. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the School issues a final decision. As used herein, "disenroll" or "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the Charter School's suspension and expulsion policy.

Upon parent/guardian request for a hearing, the School will provide notice of hearing consistent with its expulsion hearing process, through which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. The notice of hearing 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 include a copy of the School's expulsion hearing process.

If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the Student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If parent/guardian requests a hearing and does not attend on the date scheduled for the hearing the Student will be disenrolled effective the date of the hearing.

If as a result of the hearing the student is disenrolled, notice will be sent to the student's last known school district of residence within thirty (30) calendar days.

A hearing decision not to disenroll the student does not prevent the Charter School from making a similar recommendation in the future should student truancy continue or re-occur.

### **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. Any 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.

### **School Uniforms and Dress Code Policy**

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

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. This includes any clothing that explicitly or implicitly could be seen as representing affiliation with any gang.

#### TK-4 Dress Code

- Tops: Appropriate length (at pockets) or tucked in, official burgundy Alpha polo or solid burgundy polo shirt or school sponsored Alpha branded t-shirt
  - Optional long or short sleeve under polo (grey, black, burgundy, or white only)
  - Official burgundy Alpha sweatshirt/sweater/sweater vest or solid burgundy sweatshirt or school sponsored Alpha branded
  - Logos should be no larger than a business card.
  - All hoods must be removed when students are indoors
- Bottoms: Pants, shorts, or skirts must be fully black or khaki in color
  - No athletic wear including spandex, sweatpants, and leggings
  - No rips
- Outerwear: Rain jackets, coats, etc. must be solid black or burgundy in color to be worn indoors. Outerwear that is a different color may be worn outside of the school classroom. No solid red or blue.
- Shoes & Accessories: Sneakers or tennis shoes only. Rain boots may be worn on rainy days.
  - Optional black or brown belt
  - Socks - no red or blue, other colors are acceptable
  - Indoor headwear is permitted for religious purposes only. Outdoor headwear may be worn for sun protection or warmth.
- Nails should not be distracting or keep students from fully participating in learning, including PE.

#### 5-8 Dress Code

- Tops: Appropriate length (at pockets) or tucked in, official black Alpha polo or solid black polo shirt without any logos or school sponsored Alpha branded t-shirt
  - Optional long or short sleeve under polo (grey, black, burgundy, or white only)
  - Official black Alpha sweatshirt/sweater/sweater vest or solid black sweatshirt
  - Logos should be no larger than a business card.
  - All hoods must be removed when students are indoors
- Bottoms: Pants, shorts, or skirts must be fully black or khaki in color
  - No athletic wear including spandex, sweatpants, and leggings
  - No rips
- Outerwear: Rain jackets, coats, etc. must be solid black in color to be worn indoors. Outerwear that is a different color may be worn outside of the school classroom. No solid red or blue.
- Shoes & Accessories: Sneakers or tennis shoes only.
  - Shoes with one colored logo smaller than a quarter
  - Optional black or brown belt

- Socks - no red or blue, other colors are acceptable
- Indoor headwear is permitted for religious purposes only. Outdoor headwear may be worn for sun protection or warmth.
- Little to no makeup or excessive jewelry
- No solid red, blue, maroon, or navy backpacks or other accessories
- Nails should not be distracting or keep students from fully participating in learning, including PE.

#### 9-12 Dress Code

- Tops: Appropriate length (at pockets) or tucked in, official gray or black Alpha polo or solid black or gray polo shirt without any logos or school sponsored Alpha branded t-shirt
  - Optional long or short sleeve under polo (grey, black, burgundy, or white only)
  - Optional black, gray, gold or white sweater, sweatshirt, pullover, hoodie, or jacket.
  - Logos should be no larger than a business card
  - All hoods must be removed when students are indoors
- Bottoms: Pants, shorts, or skirts must be fully black or khaki in color
  - No athletic wear including spandex, sweatpants, and leggings
  - No rips
- Outerwear: Rain jackets, coats, etc. must be solid black in color to be worn indoors. Outerwear that is a different color may be worn outside of the school classroom. No solid red or blue.
- Shoes & Accessories: Closed-toed shoes
  - Shoes with logo smaller than a quarter
  - Optional solid black, gray, white, or brown belts
  - Socks - no red or blue, other colors are acceptable
  - Indoor headwear is permitted for religious purposes only. Outdoor headwear may be worn for sun protection or warmth.
  - Makeup cannot be applied during school hours
  - No high-heeled shoes
  - No solid red, blue, maroon, or navy backpacks or other accessories
- Nails should not be distracting or keep students from fully participating in learning, including PE.

#### 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.

### **Nondiscrimination Statement**

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

The Charter 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 Charter School does not discourage students from enrolling or seeking to enroll in the Charter School for any reason, including, but not limited to, academic performance, disability, neglect or delinquency, English proficiency, for being homeless or a foster/mobile youth, economic disadvantage, nationality, race, ethnicity, or sexual orientation. Charter School shall not encourage a student currently attending Charter School to disenroll or transfer to another school based on any of the aforementioned reasons except in cases of expulsion and suspension or involuntary removal in accordance with the Charter School's charter and relevant policies.

The Charter School does not request nor require student records prior to a student's enrollment.

The Charter School shall provide a copy of the California Department of Education Complaint Notice and Form to any parent, guardian, or student over the age of 18 at the following times: (1) when a parent, guardian, or student over the age of 18 inquires about enrollment; (2) before conducting an enrollment lottery; and (3) before disenrollment of a student.

The Charter School is committed to providing an 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 Act of 1975; the IDEIA; and Section 504 and Title II of the ADA (mental or physical disability). Charter 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. Charter 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 Charter 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. Charter 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:

Cynthia Martinez Nava  
Chief Schools Officer  
2110 Story Road, #250  
San Jose, CA 95122  
cmartineznava@alphaps.org

The lack of English language skills will not be a barrier to admission or participation in Charter School’s programs or activities. Charter School prohibits retaliation against anyone who files a complaint or who participates or refuses to participate in a complaint investigation.

## **STUDENT HEALTH & SAFETY**

### **Human Trafficking Prevention**

California has the highest number of incidents of human trafficking in the U.S., and all students may be vulnerable. Charter School believes it is a priority to inform our students about (1) prevalence, nature of and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance, and (2) how social medial and mobile device applications are used for human trafficking.

In accordance with the California Healthy Youth Act, Charter School will provide age-appropriate instruction on the prevention of human trafficking, including sexual abuse, assault, and harassment. You have the right to excuse your child from all or part of the instruction on the prevention of human trafficking. An opt-out form is available at the main office for your convenience. Your consent for this instruction is NOT required. If we do not receive a written request to excuse your child, your child will be included in the instruction.

Information and materials for parents/guardians about the curriculum and resources on prevention of human trafficking and abuse, including sexual abuse, assault, and harassment are available on Charter School’s website for your review.

### **Diabetes**

The School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following:

- A description of type 2 diabetes.
- A description of the risk factors and warning signs associated with type 2 diabetes.

- A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.
- A description of treatments and prevention of methods of type 2 diabetes.
- A description of the different types of diabetes screening tests available.

Please contact the office if you need a copy of this information sheet or if you have any questions about this information sheet.

### **Concussion / Head Injury**

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.

### **Availability of Health Insurance**

Children—regardless of immigration status (foster youth, pregnant women, and legally present individuals, including those with deferred action for childhood arrivals [“DACA”] status) may be eligible for no- or low-cost Medi-Cal insurance. Medi-Cal covers immunizations, checkups, specialists, vision and dental services, and more for children and youth at no- or low-cost. Medi-Cal enrollment is available year-round.

Covered California is where legal residents of California can compare quality health plans and choose the one that works best for them. Based on income and family size, many Californians may qualify for financial assistance. Enroll during Open Enrollment or any time you experience a life-changing event, like losing your job or having a baby. You have sixty (60) days from the event to complete enrollment. Information regarding the availability of insurance is provided with enrollment forms and available at:

[http://hbex.coveredca.com/toolkit/PDFs/ALL\\_IN\\_Flyer\\_EnrollGetCareRenew\\_CC.pdf](http://hbex.coveredca.com/toolkit/PDFs/ALL_IN_Flyer_EnrollGetCareRenew_CC.pdf)

The School shall not discriminate against a pupil who does not have health care coverage or use any information relating to a pupil's health care coverage or interest in learning about health care coverage in any manner that would bring harm to the pupil or the pupil's family.



### **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 sections 44237, 44830.1 or 45125.1. The Chief Schools Officer or designee shall monitor compliance with this policy.

### **Immunizations**

The School will adhere to all law related to legally required immunizations for entering students pursuant to Health and Safety Code Sections 120325-120380, and Title 17, California Code of Regulations Sections 6000-6075.

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

Students entering Kindergarten who are not exempt will need the following immunization requirements:

<b>Immunization</b>	<b>Dosage</b>
Diphtheria, Pertussis, and Tetanus (DTaP)	Five (5) doses
Polio	Four (4) doses
Measles, Mumps, and Rubella (MMR)	Two (2) doses
Hepatitis B (Hep B)	Three (3) doses
Varicella (chickenpox)	Two (2) doses

**NOTE:** Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the seventh birthday (also meets the 7th-12th grade Tdap requirement.) One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement. Three doses of Polio are allowed if one was given on or after fourth birthday. MMR doses must be given on or after first birthday. Two doses of measles, two doses of mumps, and one dose of rubella vaccine meet the requirement, separately or combined. Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines.

Students entering 7<sup>th</sup> grade who are not exempt from the immunization requirements must show proof of the following immunizations:

Immunization	Dosage
Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap)	One (1) dose
Varicella	Two (2) Doses

**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/ varicella and primary series for diphtheria, tetanus, and pertussis), **in addition to** the 7th grade requirements for Tdap (at least one dose of pertussis-containing vaccine on or after the seventh birthday) and two (2) doses of Varicella (varicella requirement for seventh grade advancement expires after June 30, 2025).

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 California Department of Public Health, on at least an annual basis, as required by law. 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 MUST contact the County Tuberculosis Clinic for a TB Screening upon return.

The School shall immediately admit a foster child, as defined in Education Code § 48853.5(a), and a homeless child, as defined in Section 11434a(2) of Title 42 of the United States Code, whose immunization records are not available or are missing. However, this does not alter the School’s obligation to obtain immunization records for foster and homeless students or to ensure the full immunization of foster and homeless students as required by law.

If the School discovers that an admitted student who was previously believed to be in compliance with the immunization requirements is subsequently discovered to not be in compliance with either the unconditional admission requirements or the conditional admission requirements, the School will notify his/her parent/guardian of: 1) the time period within which the doses must be received, which may be no more than ten (10) school days after notification; and 2) that the student shall continue in attendance only if the parent/guardian provides documentation that the immunization requirements have been met or a valid medical exemption provided within the time period designated by the School. If, within ten (10) school days of the notice, the child does not provide documentation of having received all required immunizations, or documentation of a valid medical exemption, the School shall exclude this student from attendance. The student shall remain excluded from the School’s campuses until he/she is fully immunized as required by law. The student shall also be reported to the School Registrar.

Whenever there is good cause to believe that a student has been exposed to a disease listed in subdivision (b) of Section 120335 and his or her documentary proof of immunization status does not show proof of immunization against that disease, that student may be temporarily excluded from the campuses until the local health officer is satisfied that the person is no longer at risk of developing or transmitting the disease.

This Policy does not prohibit a pupil who qualifies for an individualized education program (“IEP”), 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.

### Exemptions from Immunization Requirements

All students must be fully immunized in accordance with the California Health and Safety Code, the California Code of Regulations, and this Policy with the following exceptions:

- Students who show proof of a medical exemption by a physician licensed to practice medicine in California pursuant to Health and Safety Code Section 120370.
  - Commencing January 1, 2021, the California Department of Public Health standardized medical exemption form shall be the only documentation of a medical exemption that the School shall accept.
  - On and after July 1, 2021, the School shall not unconditionally admit or readmit, or admit or advance any student to 7th grade, unless the student has been fully immunized or files a California Department of Public Health standardized medical exemption form as required by law.
  - Medical exemptions issued before January 1, 2020 will continue to remain valid until the child enrolls in the next grade span, defined below.
- Students who are enrolled in the School’s home-based study program or independent study program and do not receive any classroom-based instruction.
- 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 pursuant to Health and Safety Code Section 120335(g);
  - “Grade span” means each of the following:
    - Birth to preschool.
    - Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten.
    - Grades 7 to 12, inclusive.

### Conditional Admittance

Students may be conditionally admitted to the School in accordance with Health and Safety Code Section 120340 and Title 17, California Code of Regulations Section 6035. 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 from the date of admission until that student has received all the required immunizations or submitted an exemption. 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

### Documentary Proof

The Principal shall maintain the student's immunization information in the student's mandatory permanent record and shall file annual immunization status reports as required by the California Department of Public Health.

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

#### *First Aid:*

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 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.

#### *Vision, Hearing and Scoliosis:*

The School shall screen for vision, hearing and scoliosis as required by Education Code Section 49450, *et seq.*, per appropriate grade levels.

*Physical Examinations and Right to Refuse:*

All students are to have completed a health screening examination on or before the 90th day after the student's entrance into first grade or such students must have obtained a waiver pursuant to Health and Safety Code Sections 124040 and 124085. This examination can be obtained from your family physician or possibly through the services provided by your County Health Department. Information and forms are distributed to students enrolled in kindergarten. If your child's medical status changes, please provide the teacher with a physician's written verification of the medical issue, especially if it impacts in any way your child's ability to perform schoolwork.

A parent or guardian may file annually with the Principal a written and signed statement stating that the parent or guardian will not consent to a physical examination of the 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, the child 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.

*Oral Health:*

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. Please contact the main office if you have questions about this requirement.

*Head Lice:*

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 School will notify the student's parents/guardians at the end of the school day and inform them 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.

## **Mental Health Services**

The School recognizes that when unidentified and unaddressed, mental health challenges can lead to poor academic performance, increased likelihood of suspension and expulsion, chronic absenteeism, student attrition, homelessness, incarceration, and violence. Access to mental health services at the School and in our community is not only critical to improving the physical and emotional safety of students, but it also helps address barriers to learning and provides support so that all students can learn problem-solving skills and achieve in school and, ultimately, in life. The following resources available to your child:

### **Available on Campus:**

- **School-based counseling services** – your child is encouraged to directly contact a School counselor by coming into the office during school hours and making an appointment to speak with a counselor. Our School counselors support students by providing individual sessions, group or parent consultations whenever a student is having a difficult time due to academic stress, transition to changes in their environment, or social concerns, including isolation. Counseling services, whether provided by our School or by an outside provider listed in this letter, are voluntary.
- **Special education services** – if you believe your child may have a disability, you are encouraged to directly contact the school Principal to request an evaluation.
- **Prescription medication while on campus** – if your child requires prescription medication during school hours and you would like assistance from School staff in providing this medication to your child, please contact the main office of the school.

### **Available in the Community:**

#### **Immediate/Emergency Support:**

- **Uplift Crisis Stabilization (formerly EMQ): (408) 379-9085**
  - The Mobile Crisis Program provides 24-hour intervention to children and adolescents in the community who are experiencing acute psychological crisis. Included are a 5150 assessment (mental health hospitalization) along with safety planning and referrals to community based mental health services. Length of service is two to four hours.
- **Crisis Call Center (National Suicide Prevention Lifeline): (800) 273-8255**
- **Alum Rock Counseling Center - Crisis Line: (408) 294-0579**

#### **Community Counseling Resources (long term support):**

- **Santa Clara County, Department of Mental Health**
  - 800.704.0900 | <http://www.sccgov.org/sites/mhd/Pages/default.aspx>
  - This will take you to a call center. They will take your information and refer you to the appropriate agency.
- **YWCA**
  - (408) 295-4011 | <http://ywca-sv.org/contact/index.php> | 375 S. 3 rd Street in San Jose
  - Income based sliding scale available
- **Gardner Health Services**

- (408) 287.6200 | <https://gardnerhealthservices.org/en/> | 160 E. Virginia Street in San Jose
- You must call the call center at (800) 704-0900 prior to calling the number above
- **Almaden Valley Counseling Service**
  - (408) 997-0200 | <http://www.avcounseling.org/> | 6529 Crown Blvd Suite D in San Jose
- **Uplift Family Services (Formerly *EMQ Families First*)**
  - (408) 876-4284 | <http://upliftfs.org/> | 232 East Gish Road in San Jose
  - Medi-Cal accepted
- **Alum Rock Counseling Center**
  - (408) 510-5190 | <http://www.alumrockcc.org/> | 1245 E. Santa Clara Street in San Jose
  - Medi-Cal accepted

The Santa Clara County Department of Mental Health will refer you a counseling agency based on the specific needs of you and your child.

**Phone Number: 800-704-0900 Call between: 9am – 5pm**

- If you do not have medical insurance they will still refer you to a counseling agency.
- If you have Medi-Cal or Medicare, please have your insurance number ready.
- If you have medical insurance other than Medi-Cal or Medicare, you must first call your insurance provider to find out what mental health services they offer. If they do not provide the service you need, call the SCCDMH and they will refer you to a counseling agency.

Phone Prompts:

- Press 1 for English Press 2 for Spanish
- Press 1 for Suicide Hotline **Press 2 for Referral** Press 3 for General Information
- Press 1 for Services for an Adult **Press 2 for Services for a Child**
- **Press 1 for Mental Health** Press 2 for Substance Abuse

A receptionist will answer and will ask for:

- Your name and your child's name
- Your medical insurance number (if you have medical insurance)
- What your mental health concerns are for your child. Based on your concerns, the receptionist will make a recommendation to the appropriate community-based agency.

Available Nationally:

- National Suicide Prevention Hotline - This organization provides confidential support for adults and youth in distress, including prevention and crisis resources. Available 24 hours at 1-800-273-8255.
- The Trevor Project - This organization provides suicide prevention and crisis intervention for LGBTQ youth between the ages of 13 and 24. **Available at 1-866-488-7386 or visit <https://www.thetrevorproject.org/>.**

- Big Brothers/Big Sisters of America – This organization is a community- based mentorship program. Community-specific program information can be found online at <https://www.bbbs.org> or by calling (813) 720-8778.

For additional information, please see the Mental Health Resources and Community Mental Health Resources posted on the School’s website.

### **Pregnant and Parenting Students**

The School recognizes that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. A pregnant or parenting pupil is entitled to eight (8) weeks of parental leave, or more if deemed medically necessary by the pupil’s physician, which the pupil may take before the birth of the pupil’s infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the pupil who gives or expects to give birth and the infant, and to allow the pregnant or parenting pupil to care for and bond with the infant. The School will ensure that absences from the pupil’s regular school program are excused until the pupil is able to return to the regular school program.

Upon return to school after taking parental leave, a pregnant or parenting pupil will be able to make up work missed during his or her leave, including, but not limited to, makeup work plans and re-enrollment in courses. Notwithstanding any other law, a pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the School if it is necessary in order for the pupil to be able to complete any graduation requirements, unless the School determines that the pupil is reasonably able to complete the graduation requirements in time to graduate from high school by the end of the pupil’s fourth year of high school.

Complaints of noncompliance with laws relating to pregnant or parenting pupils may be filed under the Uniform Complaint Procedures (“UCP”) of the School. The complaint may be filed in writing with the compliance officer:

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

A copy of the UCP is available upon request at the main office. For further information on any part of the complaint procedures, including filing a complaint or requesting a copy of the complaint procedures, please contact the Principal.

### **School Bus and Passenger Safety**

Upon registration, the School is required to provide safety regulations to all kindergarten through sixth (6th) grade new students and students who have not previously been transported by school bus. Additionally, the School must also provide safety instruction to all students in kindergarten through eight (8th) grade who receive home-to-school transportation. All students who are



transported in a schoolbus or school student activity bus shall receive instruction in school bus emergency procedures and passenger safety. A copy of the complete Policy is available upon request at the main office.

### **School Safety Plan**

The Charter School has established a Comprehensive School Safety Plan. The Plan is available upon request at the main office.

### **School Wellness Policy**

The School also maintains a School Wellness Policy pursuant to state and federal requirements. A copy of the complete Policy is available upon request at the main office.

### **Sudden Cardiac Arrest Prevention and Automated External Defibrillators**

The School is invested in the health of its athletes, especially their heart health. Sudden cardiac arrest (“SCA”) is when the heart stops beating, suddenly and unexpectedly. Those wishing to participate in athletics at School, must review the information sheet on sudden cardiac arrest via the link below: <https://www.cdc.gov/dhbsp/docs/cardiac-arrest-infographic.pdf>.

### **Tobacco-Free Schools**

Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of secondhand smoke. Charter School provides instructional programs designed to discourage students from using tobacco products. The Charter School’s Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with the goals of the Charter School to provide a healthy environment for students and staff.

In the best interest of students, employees, and the general public, the Board therefore prohibits the use of tobacco products at all times on Charter School property and in Charter School vehicles. This prohibition applies to all employees, students, visitors, and other persons at school or at a school-sponsored activity or athletic event. It applies to any meeting on any property owned, leased, or rented by or from Charter School.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. Smoking or use of any tobacco-related product is also prohibited within 250 feet of the youth sports event in the same park or facility where a youth sports event is taking place. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited.

The Principal or designee shall inform students, parents/guardians, employees, and the public about this policy. All individuals on Charter School premises share in the responsibility of adhering to this policy. Additionally, Charter School will post signs stating "Tobacco use is prohibited" prominently at all entrances to school property.



# **COMPLETE POLICIES**

## **Professional Boundaries: Staff/Student Interaction Policy**

Alpha recognizes its responsibility to make and enforce all rules and regulations governing student and employee behavior to bring about the safest and most learning-conducive environment possible.

### **Corporal Punishment**

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 this 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 property.

For clarification purposes, the following examples are offered for direction and guidance of Alpha personnel:

- Examples of PERMITTED actions (NOT corporal punishment)
  - Stopping a student from fighting with another student;
  - Preventing a pupil from committing an act of vandalism;
  - Defending yourself from physical injury or assault by a student;
  - Forcing a pupil to give up a weapon or dangerous object;
  - Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills;
  - Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.
- Examples of PROHIBITED actions (corporal punishment)
  - Hitting, shoving, pushing, or physically restraining a student as a means of control;
  - Making unruly students perform physical acts that cause pain as a form of Punishment;
  - Paddling, swatting slapping, grabbing, pinching, kicking, or otherwise causing physical pain

### **Acceptable and Unacceptable Staff/Student Behavior**

This policy is intended to guide all Alpha faculty and staff in conducting themselves in a way that reflects the high standards of behavior and professionalism required of school employees and to

specify the boundaries between students and staff.

Although this policy gives specific, clear direction, it is each staff member's obligation to avoid situations that could prompt suspicion by parents, students, colleagues, or school leaders. One viable standard that can be quickly applied, when you are unsure if certain conduct is acceptable, is to ask yourself, "Would I be engaged in this conduct if my family or colleagues were standing next to me?"

For the purposes of this policy, the term "boundaries" is defined as acceptable professional behavior by staff members while interacting with a student. Trespassing the boundaries of a student/teacher relationship is deemed an abuse of power and a betrayal of public trust.

Some activities may seem innocent from a staff member's perspective, but can be perceived as flirtation or sexual insinuation from a student or parent point of view. The objective of the following lists of acceptable and unacceptable behaviors is not to restrain innocent, positive relationships between staff and students, but to prevent relationships that could lead to, or may be perceived as, sexual misconduct.

Staff must understand their own responsibility for ensuring that they do not cross the boundaries as written in this policy. Disagreeing with the wording or intent of the established boundaries will be considered irrelevant for disciplinary purposes. Thus, it is crucial that all employees learn this policy thoroughly and apply the lists of acceptable and unacceptable behaviors to their daily activities. Although sincere, competent interaction with students certainly fosters learning, student/staff interactions must have boundaries surrounding potential activities, locations and intentions.

### **Duty to Report Suspected Misconduct**

When any employee reasonably suspects or believes that another staff member may have crossed the boundaries specified in this policy, he or she must immediately report the matter to a school administrator. All reports shall be as confidential as possible under the circumstances. It is the duty of the administrator to investigate and thoroughly report the situation. Employees must also report to the administration any awareness or concern of student behavior that crosses boundaries or where a student appears to be at risk for sexual abuse.

### **Examples of Specific Behaviors**

The following examples are not an exhaustive list:

- Unacceptable Staff/Student Behaviors (Violations of this Policy)
  - Giving gifts to an individual student that are of a personal and intimate nature.
  - Kissing of any kind.
  - Any type of unnecessary physical contact with a student in a private situation.
  - Intentionally being alone with a student away from the school.
  - Making or participating in sexually inappropriate comments.
  - Sexual jokes.

- Seeking emotional involvement with a student for your benefit.
  - Listening to or telling stories that are sexually oriented.
  - Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding.
  - Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.
- Unacceptable Staff/Student Behaviors without written Parent and Manager Permission (These behaviors should only be exercised when a staff member has written parent and manager permission.)
    - Giving students a ride to/from school or school activities.
    - Being alone in a room with a student at school with the door closed.
    - Allowing students in your home.
- Cautionary Staff/Student Behaviors
    - Remarks about the physical attributes or development of anyone.
    - Excessive attention toward a particular student.
    - Sending emails, text messages or letters to students if the content is not about school activities.
- Acceptable and Recommended Staff/Student Behaviors
    - Getting parents' written consent for any after-school activity.
    - Obtaining formal approval to take students off school property for activities such as field trips or competitions.
    - Emails, text, phone and instant messages to students must be very professional and pertaining to school activities or classes (Communication should be limited to using School technology).
    - Keeping the door open when alone with a student.
    - Keeping reasonable space between you and your students.
    - Stopping and correcting students if they cross your own personal boundaries.
    - Keeping parents informed when a significant issue develops about a student.
    - Keeping after-class discussions with a student professional and concise.
    - Asking for advice from fellow staff or administrators if you find yourself in a difficult situation related to boundaries.
    - Involving your manager if conflict arises with the student.
    - Informing your manager about situations that have the potential to become more severe.
    - Making detailed notes about an incident that could evolve into a more serious situation later.
    - Recognizing the responsibility to stop unacceptable behavior of students or coworkers.
    - Asking another staff member to be present if you will be alone with any type of special needs student.

- Asking another staff member to be present when you must be alone with a student after regular school hours.
- Giving students praise and recognition without touching them.
- Pats on the back, high fives and handshakes are acceptable.
- Keeping your professional conduct a high priority.
- Asking yourself if your actions are worth your job and career.

## **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" are describe as the intentional conduct, including verbal, physical, written communication, or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy, related conditions, and parental status), sexual orientation, gender, gender identity, gender expression, immigration status, nationality (including national origin, country of origin, and citizenship), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twist), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected under applicable state or federal law or local ordinance. 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 employees, students, or volunteer actions and relationships, regardless of position or gender. The School will promptly and thoroughly investigate and respond to any complaint of misconduct prohibited by this Policy

in a manner that is not deliberately indifferent and will take appropriate corrective action, if warranted. The School complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports of misconduct prohibited by this Policy.

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

Cynthia Martinez Nava  
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 work or 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 characteristics listed 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 discrimination and harassment on the basis of sex. In accordance with these existing laws, discrimination and harassment on the basis of sex in education institutions, including in the education institution’s admissions and employment practices, is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination and harassment in education programs or activities conducted by the School.

The School is committed to providing a work and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to the Coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Sexual harassment consists of conduct on the basis of sex, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct on the basis of sex, regardless of whether or not the conduct is motivated by sexual desire, 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.
  - 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 the student's or employee's performance more difficult because of the student's or the employee's sex.
- Sexual or discriminatory displays or publications anywhere in the work 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 work or educational environment.
  - Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
  - Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or 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" is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute 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:

- Placing a reasonable pupil\* or pupils in fear of harm to that pupil's or those pupils' person or property.
- Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
- 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:

- A message, text, sound, video or image.
- A post on a social network Internet Web site including, but not limited to:
  - 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.
  - 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.
  - 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.
- An act of "cyber sexual bullying" including, but not limited to:
  - 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.

- 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.
- 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.

Formal Complaint of Sexual Harassment means a written document filed and signed by a complainant who is participating in or attempting to participate in the School’s education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that the School investigate the allegation of sexual harassment.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

### Bullying and Cyberbullying Prevention Procedures

The School has adopted the following procedures for preventing acts of bullying, including cyberbullying.

#### **1. Cyberbullying Prevention Procedures**

The School advises students:

- a. To never share passwords, personal data, or private photos online.
- b. To think about what they are doing carefully before posting and by emphasizing that comments cannot be retracted once they are posted.
- c. That personal information revealed on social media can be shared with anyone including parents, teachers, administrators, and potential employers. Students should never reveal information that would make them uncomfortable if the world had access to it.
- d. To consider how it would feel receiving such comments before making comments about others online.

The School informs Charter School employees, students, and parents/guardians of the School’s policies regarding the use of technology in and out of the classroom. The School encourages parents/guardians to discuss these policies with their children to ensure their children understand and comply with such policies.

#### **2. Education**

The School employees cannot always be present when bullying incidents occur, so educating students about bullying is a key prevention technique to limit bullying from happening. The School advises students that hateful and/or demeaning behavior is inappropriate and unacceptable in our society and at the School and encourages students to practice compassion and respect each other.

Charter School educates students to accept all student peers regardless of protected characteristics (including but not limited to actual or perceived sexual orientation, gender identification, physical or cognitive disabilities, race, ethnicity, religion, and immigration status) and about the negative impact of bullying other students based on protected characteristics.

The School's bullying prevention education also discusses the differences between appropriate and inappropriate behaviors and includes sample situations to help students learn and practice appropriate behavior and to develop techniques and strategies to respond in a non-aggressive way to bullying-type behaviors. Students will also develop confidence and learn how to advocate for themselves and others, and when to go to an adult for help.

The School informs the School employees, students, and parents/guardians of this Policy and encourages parents/guardians to discuss this Policy with their children to ensure their children understand and comply with this Policy.

### **3. Professional Development**

The School annually makes available the online training module developed by the California Department of Education pursuant Education Code section 32283.5(a) to its certificated employees and all other School employees who have regular interaction with students.

The School informs certificated employees about the common signs that a student is a target of bullying including:

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

Charter School also informs certificated employees about the groups of students determined by the School, and available research, to be at elevated risk for bullying. These groups include but are not limited to:

- Students who are lesbian, gay, bisexual, transgender, or questioning youth (“LGBTQ”) and those youth perceived as LGBTQ; and
- Students with physical or learning disabilities.

The School encourages its employees to demonstrate effective problem-solving, anger management, and self-confidence skills for the School’s students.

## Grievance Procedures

### **Scope of Grievance Procedures**

The School will comply with its Uniform Complaint Procedures (“UCP”) policy when investigating and responding to complaints alleging unlawful harassment, discrimination, intimidation or bullying against a protected group or on the basis of a person’s association with a person or group with one or more of the protected characteristics set forth in the UCP that:

- a. Are written and signed; and
- b. Filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying;
- c. Submitted to the School UCP Compliance Officer not later than six (6) months from the date the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The following grievance procedures shall be utilized for reports of misconduct prohibited by this Policy that do not comply with the writing, timeline, or other formal filing requirements of a uniform complaint. For formal complaints of sexual harassment, the School will utilize the following grievance procedures in addition to its UCP when applicable.

### **Reporting**

All staff 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 when 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 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 below:

Cynthia Martinez Nava, Chief Schools Officer

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

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights. Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to complainants.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. The School will investigate and respond to all oral and written reports of misconduct prohibited by this Policy in a manner that is not deliberately indifferent. 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. 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 right to privacy. 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 comply with the law, 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 individual who files a report or complaint, testifies, assists, participates, or refuses to participate in any investigation or proceeding related to misconduct prohibited by this Policy. Such participation or lack of participation shall not in any way affect the status, grades or work assignments of the individual. Individuals alleging retaliation in violation of this Policy may file a grievance using the procedures set forth in this Policy. Knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and may result in disciplinary action.

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, and any individual designated as a coordinator, investigator or decision-maker will receive sexual harassment training and/or instruction concerning sexual harassment as required by law.

### **Supportive Measures**

Upon the receipt of an informal or formal complaint of sexual harassment, the Coordinator will promptly contact the complainant to discuss the availability of supportive measures. The Coordinator will consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal

complaint of sexual harassment, and explain the process for filing a formal complaint of sexual harassment.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment or where no formal complaint of sexual harassment has been filed. Such measures are designed to restore or preserve equal access to the School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational environment, or deter sexual harassment. Supportive measures available to complainants and respondents may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures.

### **Investigation and Response**

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.

In most cases, 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 and needs to be delayed or extended due to good cause, he or she will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

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, to provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, the Coordinator or administrative designee will not reveal confidential information related to other students or employees.

For investigations of and responses to formal complaints of sexual harassment, the following grievance procedures will apply:

- Notice of the Allegations
  - Upon receipt of a formal complaint of sexual harassment, the Coordinator will give all known parties written notice of its grievance process, including any voluntary informal resolution process. The notice will include:
    - A description of the allegations of sexual harassment at issue and to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;

- A statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached;
  - A statement that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence;
  - A statement that the School prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.
- Emergency Removal
  - The School may place a non-student employee respondent on administrative leave during the pendency of a formal complaint of sexual harassment grievance process in accordance with the School's policies.
  - The School may remove a respondent from the School's education program or activity on an emergency basis, in accordance with the School's policies, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
  - This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.
- Informal Resolution
  - If a formal complaint of sexual harassment is filed, the School may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If the School offers such a process, it will do the following:
    - Provide the parties with advance written notice of:
      - The allegations;
      - The requirements of the voluntary informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint of sexual harassment arising from the same allegations;
      - The parties' right to withdraw from the voluntary informal resolution process and resume the grievance process at any time prior to agreeing to a resolution; and
      - Any consequences resulting from participating in the voluntary informal resolution process, including the records that will be maintained or could be shared; and
    - Obtain the parties' advance voluntary, written consent to the informal resolution process.
  - The School will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- Investigation Process
  - The decision-maker will not be the same person(s) as the Coordinator or the investigator. The School shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.

- In most cases, a thorough investigation will take no more than thirty (30) school days. If the investigator determines that an investigation will take longer than thirty (30) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.
- The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
- The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
- A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
- Prior to completion of the investigative report, the School will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator's consideration prior to the completion of the investigation report.
- The investigator will complete an investigation report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.
- Dismissal of a Formal Complaint of Sexual Harassment
  - If the investigation reveals that the alleged harassment did not occur in the School's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable School policy.
  - The School may dismiss a formal complaint of sexual harassment if:
    - The complainant provides a written withdrawal of the complaint to the Coordinator;
    - The respondent is no longer employed or enrolled at the School; or
    - The specific circumstances prevent the School from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
  - If a formal complaint of sexual harassment or any of the claims therein are dismissed, the School will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.
- Determination of Responsibility
  - The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
  - Determinations will be based on an objective evaluation of all relevant evidence and credibility determinations will not be based on a person's status as a complainant, respondent, or witness.



- The School will send a written decision on the formal complaint to the complainant and respondent simultaneously that describes:
  - The allegations in the formal complaint of sexual harassment;
  - All procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
  - The findings of facts supporting the determination;
  - The conclusions about the application of the School's code of conduct to the facts;
  - The decision and rationale for each allegation;
  - Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
  - The procedures and permissible bases for appeals.

### **Consequences**

Students or employees who engage in misconduct prohibited by this Policy, knowingly make false statements or knowingly submit false information during the grievance process may be subject to disciplinary action up to and including expulsion from the School or termination of employment. The Coordinator is responsible for effective implementation of any remedies ordered by the School in response to a formal complaint of sexual harassment.

### **Right of Appeal**

Should the reporting individual find the Coordinator or designee's resolution's unsatisfactory, he/she may within five (5) school days of the date of notice of resolution, file a written appeal with the President of the Alpha Board, who will review the investigation and render a final decision.

The following appeal rights and procedures will also apply to formal complaints of sexual harassment:

- The complainant and the respondent shall have the same appeal rights and the School will implement appeal procedures equally for both parties.
- The School will notify the other party in writing when an appeal is filed.
- The decision-maker for the appeal will give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

### **Recordkeeping**

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

The School will maintain the following records for at least seven (7) years:

- Records of each sexual harassment investigation, including any determination of responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant.
- Records of any appeal of a formal sexual harassment complaint and the results of that appeal.
- Records of any informal resolution of a sexual harassment complaint and the results of that informal resolution.
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

### **Consequences**

Students or employees who engage in misconduct prohibited by this policy, knowingly make false statements or knowingly submit false information during the grievance process may be subject to disciplinary action, up to and including suspension and/or expulsion, as outlined in the Student Discipline Policy of the School or termination of employment. The Coordinator is responsible for effective implementation of any remedies ordered by the School in response to a formal complaint of sexual harassment.

### **General Complaints 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:

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

For complaints regarding unlawful discrimination, harassment, intimidation or bullying, unlawful pupil fees, or other specific perceived violations of state or federal laws, please refer to the Charter School’s Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy and/or the Charter School’s Uniform Complaint Policy and Procedures and their corresponding complaint forms at the end of this Handbook.

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 (10) 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.

### **Confidentiality**

Complainants will be notified that information obtained from the complainants and thereafter gathered during the investigation 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.

## **Uniform Complaint Policy and Procedures**

The School complies 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 compliance and/or 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.

### **Scope**

This complaint procedure is adopted to provide a uniform system of complaint processing (“UCP”) for the following types of complaints:

- Complaints of alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group, on the basis of the actual or perceived characteristics of age, ancestry, color, ethnic group identification, immigration status/citizenship, 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.

- Complaints alleging a violation of state or federal law or regulation governing the following programs: Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a Public School and Children of Military Families ; Every Student Succeeds Act; Adult Education; Consolidated Categorical Aid Programs; Migrant Education; Career Technical and Technical Education, Career Technical, Technical Training(state); Career Technical Education (federal); Child Care and Development Programs, Accommodations for Pregnant and Parenting Pupils; Migratory Pupils; Regional Occupational Centers and Programs; and/or School Safety Plans.
- Complaints 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.
  - “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.
  - “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:
    - 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.
    - 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.
    - A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
  - A pupil fees complaint and complaints regarding local control and accountability plans (“LCAP”) only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 -

52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.

- If the School finds merit in a pupil fees complaint, or the California Department of Education (“CDE”) finds merit in an appeal, 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.
- Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or the School and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or Local Control Accountability Plan, under Sections 47606.5 and 47607.3 of the Education Code, as applicable. If the Charter School adopts a School Plan for Student Achievement in addition to its Local Control and Accountability Plan, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.
- Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations (“C.F.R.”) sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations (“C.C.R.”) sections 15580 - 15584.
- Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

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 and as permitted by law] the confidentiality of the parties, including but not limited to the identity of the complainant, and maintains 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 required by law necessary to carry

out the investigation or proceedings, as determined by the Principal or designee on a case-by-case basis. The School shall ensure complainants are protected from retaliation.

### **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 School's Board of Directors shall ensure that the compliance officer designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. The compliance officer may have access to legal counsel as determined by the School's Board of Directors .

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 make available copies of the Policy free of Charge. The annual notice of this Policy may be made available on the school's website.

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 or representatives and other interested parties.

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 list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
- A statement clearly identifying any California State preschool programs the School is operating as exempt from licensing pursuant to Health and Safety Code section

1596.792(o) and corresponding Title 5 health and safety regulations, and any California State preschool programs that the School is operating pursuant to Title 22 licensing requirements.

- A statement that the Charter School is primarily responsible for compliance with federal and state laws and regulations.
- 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.
- A statement identifying the title of the compliance officer, and the identity(ies) of the person(s) currently occupying that position, if known.
- A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.
- A statement that the complainant has a right to appeal the Charter School's decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of the School's decision, except if the School has used its UCP to address a complaint that is not subject to the UCP requirements.
- A statement that a complainant who appeals the School's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
- A statement that if the School finds merit in a UCP complaint, or the CDE finds merit in an appeal, the School shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.
- 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.
- 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 enumerated in the section “Scope,” above. Compliance Officers shall maintain a record of each complaint and subsequent related actions for at least three (3) calendar years.

All parties named 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, including a person’s duly authorized representative or an interested third party, public agency or organization may file a written complaint of alleged noncompliance by the School or bullying pursuant to this policy.

A complaint of unlawful discrimination, harassment, intimidation or bullying may be filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying or by one who believes any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. An investigation of alleged unlawful discrimination, harassment, intimidation or bullying shall be initiated by filing a complaint no later than six (6) months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying unless the time for filing is extended by the Chief of Schools or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Chief of Schools or designee shall be made in writing. The period for filing may be extended by the Chief of Schools or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period. The Executive Director shall respond immediately upon a receipt of a request for extension.

All other complaints under this Policy shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the School’s Board of Directors approved the LCAP or the annual update was adopted by the School.

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.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be handwritten, typed (including in an email) or electronically generated. Only complaints regarding pupil fees or LCAP compliance may be filed anonymously as set forth in this Policy. 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 (3) 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 complaint to the satisfaction of the complainant, 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 (5) 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: Final Written Decision**

The School shall issue a decision (the "Decision") based on the evidence. The School's Decision shall be in writing and sent to the Complainant within sixty (60) calendar days of the School's receipt unless the timeframe is extended with the written agreement of 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:

- The findings of fact based on evidence gathered.
- The conclusion providing a clear determination for each allegation as to whether the school is in compliance with the relevant law
- Corrective actions, if the School finds merit in the complaint and any are warranted or required by law.
- Notice of the Complainant's right to appeal the School's decision within thirty (30) calendar days to the CDE, except when the School has used its UCP to address complaints that are not subject to the UCP requirements.
- Procedures to be followed for initiating such an appeal.

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 except as required by applicable law.

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

If dissatisfied with the School's Decision, the Complainant may appeal in writing to the CDE within thirty (30) days of receiving the School's Decision. The appeal shall be accompanied by a copy of the complaint filed with the School and a copy of the Decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. The School failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the School's Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the School's Decision are not supported by substantial evidence.
4. The legal conclusion in the School's Decision is inconsistent with the law.
5. In a case in which the School's Decision found noncompliance, the corrective actions fail to provide a proper remedy.

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 within ten (10) calendar days of the date of notification:

- A copy of the original complaint.
- A copy of the Decision.

- A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties or 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.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the School for resolution as a new complaint. If the CDE notifies the School that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, the School will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision. The SSPI will not consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

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, through no fault of the complainant, the School has not taken action within sixty (60) calendar 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 complaints arising under state law, however, a Complainant must wait until sixty (60) calendar 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 appropriately, and in a timely manner, apprised the Complainant of his/her right to file a complaint.

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

While the School encourages parents/guardians and other 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:

### **Definitions**

A “*visitor*” is defined as any person seeking to enter the school building who is not an employee of the Charter School or a student currently enrolled in that building. All visitors who are not parents or guardians of a student must have a specific and educationally relevant purpose for their visit.

A “*volunteer*” is defined as any person who voluntarily offers and provides a service to the Charter School with Charter School approval without receiving compensation.

### **Volunteering**

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/guardian 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. Volunteers must sign in agreement that they have read and understand and agree to follow the Family Educational Rights and Privacy Act (“FERPA”) Policy.
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. Volunteerism by parents is encouraged but not mandatory. Volunteer hours are applied to the non-mandatory fifteen (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.
10. 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.
11. 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.

## **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 twenty-four (24) hours in advance. If a conference is desired, an appointment should be set with the teacher during non-instructional time, at least three (3) 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 forty-five (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 (1) of the scheduled days.
3. All visitors, including parents or guardians of currently enrolled students and volunteers, 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. All visitors are asked to comply with current mandated and recommended health and safety protocols. Visitors (including volunteers) who demonstrate signs of a contagious disease (e.g. fever, coughing) may be denied registration. When recommended or requested by the Department of Public Health, visitors will be required to wear personal protective equipment, such as masks, and practice social distancing. The School reserves the right to implement additional measures for the protection of its school community, such as requiring forehead temperature checks before entry to the same extent being utilized for students and employees.
5. 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.
6. 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.
7. The Principal may direct a visitor without lawful business on campus to leave campus when the visitor's presence or acts interfere with the peaceful conduct of the activities of the school or disrupt the school or its pupils or school activities. Any visitor who is

directed to leave by the Principal or designee will not be permitted to return to the Charter School campus for at least seven (7) days.

8. 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 willfully disrupting the school, its students, its teachers, or its other employees. Consent can be withdrawn for up to fourteen (14) days.
9. 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.
10. The classroom teacher has full discretion as to their use of volunteers and the time and duration of in-class volunteer participation.
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 (7) business days after receipt of the request. The Principal shall respond within seven (7) business 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 (five hundred dollars) or imprisonment in the County jail for a period of up to six (6) months or both.
2. Under California Education Code section 44811, any parent, guardian, or other person whose conduct materially disrupts classwork or extracurricular activities or involves

substantial disorder is guilty of a misdemeanor and is punishable, upon the first conviction, by a fine of no less than \$500.00 (five hundred dollars) and no more than \$1,000.00 (one thousand dollars) or by imprisonment in a County jail for no more than one (1) year, or both, the fine and imprisonment.

3. Disruptive 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 ("IS") for students who may be absent for an extended period of time.

IS requires approval from the Principal or 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 IS for any reason.

IS 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 IS program in an expedited manner with less than one (1) school day notice.

The following written policies have been adopted by the Charter School Board for implementation at the Charter School:

- 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 twenty (20) 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.
- An evaluation will be made by a committee made up of the student's teacher(s) and the Principal as to whether it is in the student's best interest to continue to participate in the independent study program during an absence upon the student missing three (3) assignments during any period of twenty (20) days. A written record of the findings of this evaluation shall be treated as a mandatory interim student record and shall be maintained for a period of three (3) years from the date of the evaluation. If the student



transfers to another California public school, the record shall be forwarded to that school.

- 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 and personnel 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.
  - A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
  - The inclusion of a statement that independent study is an optional educational alternative in which no student may be required to participate. In the case of a pupil who is referred or assigned to any school, class or program pursuant to Education Code Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.
  - 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 employee 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. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code section 6550.

- 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.

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

The School shall comply with the Education Code sections 51745 through 51749.3 and the provisions of the Charter Schools Act of 1992 and the State Board of Education regulations adopted there under.

### **Suicide Prevention Policy**

Alpha’s comprehensive Suicide Prevention Policy is located here: [APS Suicide Prevention Policy](#), and can be made available upon request to the school’s main office in paper form.

### **Complete Suspension and Expulsion Policies**

Each Alpha School’s complete Suspension and Expulsion Policy, including all enumerated offences for which a student may be suspended or expelled, can be accessed below (school’s charter petition), as well as at the School’s main office:

Alpha: [Jose](#)

Alpha: [Blanca](#)

Alpha: [Cindy](#)

Alpha: [CAPS](#)

### **Administration of Medications Policy**

The School staff is responsible for overseeing the administration of medication to students attending the School during the regular school day. 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.

### **Definitions**

- “*Authorized health care provider*” means an individual who is licensed by the State of California to prescribe medication.
- “*School nurse*” means an individual who is currently a credentialed and licensed registered nurse employed by the Charter School.
- “*Other designated Charter School personnel*” means an individual employed by the Charter School who has (1) has consented to assist/administer medication to students and (2) may legally assist/administer the medication to students.
- “*Medication*” includes prescription medication, over-the-counter remedies, nutritional supplements, and herbal remedies.
- “*Regular school day*” includes during school hours, before- or after-school programs, field trips, extracurricular or co-curricular activities, and camps or other activities that typically involve at least one (1) overnight stay from home.

Any pupil who is required to take, during the regular school day, medication prescribed for him or her by an authorized healthcare provider may be assisted by designated school personnel.

In order for a student to be assisted by the designated Charter School personnel in administering medication, Charter School shall obtain both:

- (1) a written statement from the healthcare provider 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
- (2) 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.

These written statements specified shall be provided at least annually and more frequently if the medication, dosage/amount, frequency of administration, or reason for administration changes.

The primary responsibility for the administration of medication rests with the parent/guardian, student, and medical professionals.

## **Administration of Auto-Injectable Epinephrine or Inhaled Asthma Medication**

Any student who is or may be required to take, during the regular school day, prescription auto-injectable epinephrine (“EpiPen”) or inhaled asthma medication prescribed or ordered for the student by an authorized health care provider may carry and self-administer prescription an EpiPen or inhaled asthma medication if Charter School receives both the appropriate written statements as follows:

1. A written statement from the student’s authorized health care provider (1) detailing the name of the medication, method, dosage/amount, and time schedules by which the medication is to be taken, and (2) confirming that the student is able to self-administer an EpiPen or inhaled asthma medication, and
2. A written statement from the parent, foster parent, or guardian of the student (1) consenting to the self-administration, (2) providing a release for the designated Charter School personnel to consult with the health care provider of the student regarding any questions that may arise with regard to the medication, and (3) releasing Charter School and Charter School personnel from civil liability if the self-administering student suffers an adverse reaction as a result of self-administering medication.

These written statements specified shall be provided at least annually and more frequently if the medication, dosage/amount, frequency of administration, or reason for administration changes.

A student may be subject to disciplinary action if the student uses an EpiPen or inhaled asthma medication in a manner other than as prescribed.

Any student requiring insulin shots must establish a plan for administration of insulin shots with the Principal in consultation with the parent or guardian and the student’s medical professional.

## **Staff Training and Emergency Response**

Additional information about staff trainings and the Charter School’s response to emergencies can be located within the Employment Handbook and/or the School Safety Plan.

### **A. Response to Anaphylactic Reaction**

Trained personnel who have volunteered may use an EpiPen to provide emergency medical aid to persons suffering, or reasonably believed to be suffering from, an anaphylactic reaction. Charter School will ensure it has the appropriate type of EpiPen on

site (i.e., regular or junior) to meet the needs of its students. Charter School will ensure staff properly store, maintain, and restock the EpiPen as needed.

Charter School will ensure any Charter School personnel who volunteer are appropriately trained regarding the storage and emergency use of an EpiPen.

#### B. Response to Diabetic or Hypoglycemic Emergency

The School provides school personnel with voluntary emergency medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia, and volunteer personnel shall provide this emergency care, in accordance with standards established herein and the performance instructions set forth by the licensed health care provider of the pupil. A School employee who does not volunteer or who has not been trained pursuant to this policy may not be required to provide emergency medical assistance.

Training established shall include all of the following:

- Recognition and treatment of hypoglycemia.
- Administration of glucagon.
- Basic emergency follow-up procedures, including, but not limited to, calling the emergency 911 telephone number and contacting, if possible, the pupil's parent or guardian and licensed health care provider.
- Training by a physician, credentialed school nurse, registered nurse, or certificated public health nurse according to the standards established pursuant to this section shall be deemed adequate training.

A school employee shall notify the Principal if he or she administers glucagon pursuant to this Policy.

All materials necessary to administer the glucagon shall be provided by the parent or guardian of the pupil.

In the case of a pupil who is able to self-test and monitor his or her blood glucose level, upon written request of the parent or guardian, and with authorization of the licensed health care provider of the pupil, a pupil with diabetes shall be permitted to test his or her blood glucose level and to otherwise provide diabetes self-care in the classroom, in any area of the school or school grounds, during any school-related activity, and, upon specific request by a parent or guardian, in a private location.

Designated staff shall establish emergency procedures for specific medical conditions that require an immediate response (i.e. allergies, asthma, diabetes).

#### 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 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 or inhaled asthma medication 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.

### **Storage and Record Keeping**

1. All medication will be kept in a secure and appropriate storage location and administered per an authorized health care provider's instructions by appropriately designated staff.
2. Designated staff shall keep records of medication administered at the School. The medication log may include the following:
  - a. Student's name.
  - b. Name of medication the student is required to take.
  - c. Dose of medication.
  - d. Method by which the student is required to take the medication.
  - e. Time the medication is to be taken during the regular school day.
  - f. Date(s) on which the student is required to take the medication.
  - g. Authorized health care provider's name and contact information.
  - h. A space for daily recording of medication administration to the student or otherwise assisting the student in administration of the medication, such as date, time, amount, and signature of the individual administering the medication or otherwise assisting in administration of the medication.
3. Designated staff shall return all surplus, discontinued, or outdated medication to the parent/guardian upon completion of the regimen or prior to extended holidays. If the medication cannot be returned, it will be disposed of at the end of the school year.

### **Promotion/Retention Policy**

Alpha 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.

For English Learners, retention cannot be based on the student's lack of English fluency as related to meeting English standards.

Decisions about retention or promotion will not be based on requests for a student to be placed with or avoid a specific teacher or other pupils.

9-12 students will be identified for promotion/retention on the basis of credits earned.

K-8 students will be identified for promotion/retention on the basis of:

- Academic achievement and standardized testing in language arts, mathematics, science, or social science;
- Physical, social, psychological, and emotional considerations;
- Special needs; and/or
- 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:

- Overall student grades in English Language Arts, Math, Science, and Social Studies (grades below a 2.0/"C" average/70%)
  - 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 or through credit recovery; High School retention is more fluid as student grade level is identified by credits earned.
- Alpha interim assessments in English Language Arts and Math;
- Smarter Balanced Assessment Consortium ("SBAC") scores in English Language Arts and Math;
- NWEA/Measure of Academic Progress ("MAP") assessments in English Language Arts and Math;
- Attendance; and
- The meeting of the intervention goals determined by the Student Support Team ("SST") and Principal discretion based on the above criteria.

### **Retention**

Parent(s)/Guardian(s) will receive notice of progress or lack of progress in target areas through mid-semester progress reports and semester report cards. Parents will be notified by the teacher

of areas of academic concerns in parent teacher conferences or in writing on progress reports or semester report card.

Alpha will hold an SST meeting for Student. Parent(s)/Guardian(s) will be invited to the SST meeting to discuss concerns and proposed interventions. Parent(s)/Guardian(s) will receive a copy of the SST meeting notes which will serve as notice of proposed interventions and student achievement strategies.

Research based interventions suggested at the SST meeting will be implemented and documented in an ongoing and consistent manner. A recommended interval of six (6) weeks of academic interventions should occur before the initial SST and the recommendation for retention.

Following the above interventions, a teacher may make a recommendation for retention. Once made, the parent/guardian will be invited to a conference with the teacher(s), Principal, and other staff members as deemed necessary (“Retention Team”). Retention Team Conference invitation will be via telephone by teacher to the number parent/guardian provided to the Charter School, followed up by a written confirmation sent via US Mail to the address parent/guardian provided to the Charter School. Teacher will log all attempts to contact parent/guardian. If after two (2) documented attempts to schedule a conference by phone, parent/guardian does not respond or attend the Retention Team Conference, the conference will be held without their presence.

The Retention Team Conference will include:

- Review of previous SST notes;
- Discussion of previous/current/ongoing interventions, review of intervention logs;
- Review of current work and available assessments;
- Development of a plan for support for the following academic year;
- Determination of student’s grade level for the following academic year; and
- If the decision is to retain the Student, appropriate instruction and interventions are targeted for the following year so the student will be supported in meeting the standards the following year in the retained grade.

If there is disagreement among the Retention Team, the Principal will make the determination based upon all information discussed at the meeting.

When a final decision is made, Alpha will send the Parent(s)/Guardian(s) notes from the meeting, a copy of this Policy, and the decision of the Retention Team in writing within forty-eight (48) hours of the meeting at the address provided by Parent(s)/Guardian(s) to the Charter School via registered mail unless otherwise agreed to in writing.

## **Promotion**

If Alpha receives a promotion request from a student’s Parent(s)/Guardian(s), Alpha will schedule and hold an SST meeting for Student. Parent(s)/Guardian(s) will be invited to the SST meeting to discuss student progress on grade level benchmarks and other considerations/concerns for promotion. Parent(s)/Guardian(s) will receive a copy of the SST



meeting notes which will serve as notice of proposed student achievement strategies (and interventions, where applicable).

If there is disagreement among the SST, the Principal will make the determination whether to recommend the student for promotion based upon all information discussed at the meeting. The Principal will send notice of this decision within forty-eight (48) hours of the meeting at the address provided by Parent(s)/Guardian(s) to the Charter School via registered mail unless otherwise agreed to in writing.

### **Appeal Process**

A parent/guardian 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 Principal. 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 thirty (30) calendar days of receipt of a written appeal from a parent/guardian, the Chief Schools Officer will hold a formal meeting with the parent/guardian and determine whether or not to sustain or overrule the decision to promote or retain. The School will give the parent/guardian reasonable notice of the date, time, and place of the meeting. The School will give the parent/guardian a full and fair opportunity to present evidence relevant to the request. The parent/guardian 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/guardian as the appealing party to show why the promotion or retention decision should be overruled.*

Step 3: The Chief Schools Officer shall notify the parent/guardian and Principal of its decision in writing within seven (7) school days of the appeal via registered mail at the address provided by parent/guardian to the Charter School unless otherwise agreed to in writing.

The decision of the Chief Schools Officer shall be final.

### **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 the least restrictive environment and in accordance with state and federal law.

### ***Identification, Referral, and Evaluation for Special Education***

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. This includes children with disabilities who are homeless or foster youth. 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.

#### *Individualized Education Plan (“IEP”) Meetings*

The School shall timely convene and provide notice of 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. The Principal shall be responsible for completing the review within fifteen (15) school days of the teacher’s request.

### *IEP Implementation*

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

For students who transfer to Charter School from another school district outside of the SELPA, Charter School shall immediately implement the current, incoming IEP to the extent practicable or as otherwise agreed between the School and parent/guardian and shall conduct an IEP meeting within thirty (30) days to review the offer of FPAAE.

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*

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, related services providers, and resource specialists.

### *Resource Specialist Program*

The School shall employ or contract with certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to:

1. Providing instruction and services to students whose needs have been identified in an IEP developed by the IEP team and who are assigned to regular classroom teachers for a majority of the school day. Students shall not be enrolled in a resource specialist program for the majority of the school day without approval of the IEP team.
2. Providing information and assistance to students with disabilities and their parents/guardians.
3. Providing consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members.
4. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program.

5. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team
6. At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life.
7. Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes.

The School's resource specialist program shall be under the direction of a resource specialist who possesses:

1. A special education credential or clinical services credential with a special class authorization.
2. Three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing.
3. Demonstration of competencies required for a resource specialist as established by the Commission on Teacher Credentialing.

#### *Caseloads*

The School shall ensure that caseloads for special education teachers and service providers are within the maximum caseloads established by law, collective bargaining agreement, and/or the SELPA plan. No resource specialist shall have a caseload which exceeds twenty-eight (28) students, unless a valid waiver is obtained through the State Board of Education, consistent with Title 5, California Code of Regulations, section 3100.

#### *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 an appropriate public education program at Alpha is not available in accordance with Education Code section 56366 and Section 3062 of Title 5 of the California Code of Regulations. When entering into agreements with nonpublic schools ("NPSs") or agencies ("NPAs"), 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. The IEP team shall remain accountable for monitoring the progress of

students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

In accordance with Education Code section 56366.1, when entering into a Master Contract with an NPS where Alpha has not previously placed a student, the Charter School shall conduct an onsite visit to the NPS at the time of placement. Alpha shall also conduct at least one (1) onsite monitoring visit to the NPA during each school year in which the Charter School has a student attending pursuant to a Master Contract. The monitoring visit shall include the following:

- A review of services provided to the student through the individual service agreement between Alpha and the NPS;
- A review of progress the student is making toward the student's IEP goals;
- A review of progress the student is making toward the goals set forth in the student's behavior intervention plan;
- If applicable, an observation of the student during instruction;
- A walkthrough of the facility; and
- Any other reviews and/or observations deemed necessary by Alpha.

Alpha shall follow state and federal law and regulations and SELPA policy when contracting with nonpublic, nonsectarian schools or agencies.

### *Transportation*

School shall ensure that appropriate, no cost 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.

The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan. Mobile seating devices, when used, shall be compatible with the securement systems required by Federal Motor Vehicle Safety Standard No. 222 (49 C.F.R. § 571.222). Alpha shall ensure school bus drivers are trained in the proper installation of mobile seating devices in the securement systems.

When transportation services are required, the Principal or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses

compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Principal or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP.

Guide dogs, signal dogs and service dogs trained to provide assistance to persons with disabilities may be transported in a school bus when accompanied by students with disabilities, teachers with disabilities, or persons training the dogs.

Charter School shall ensure that all school buses, school student activity buses, youth buses and childcare motor vehicles, whenever they may be used, are equipped with an operational child safety alert system. Charter School shall ensure that all buses are equipped with a passenger restraint system.

#### *Non-discrimination*

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. If you believe your child may be eligible for special education services, please contact Russ Michaud, Managing Director of Special Education at [rmichaud@alphaps.org](mailto:rmichaud@alphaps.org).

#### *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 and SELPA policy.

Please see Russ Michaud, Managing Director of Special Education ([rmichaud@alphaps.org](mailto:rmichaud@alphaps.org)) for a copy of your procedural safeguards.

#### *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, Office of Administrative Hearings, or any other agency.

### *Due Process Hearings*

The School may initiate an Office of Administrative Hearings 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.

### *Information on the Number of Individuals with Exceptional Needs*

Information regarding the number of individuals with exceptional needs who are being provided special education and related services shall be provided in accordance with state and federal law and regulation and SELPA policy.

### **Independent Educational Evaluations**

#### A. IEE at Parent Expense

Charter School acknowledges that a parent/guardian has the right to obtain an independent educational evaluation(s) ("IEE") at their own expense at any time. In these circumstances, the Principal or designee(s) shall ensure that the student's IEP team shall consider the results of the IEE when determining an offer of a FAPE for the student. However, the results of an IEE will not dictate the IEP team's determinations.

If a parent/guardian requests reimbursement for an IEE assessment obtained by the parent/guardian at their own expense, the Principal or designee(s) shall ensure that the unilaterally obtained IEE meets the following criteria:

1. The parent disagreed with the Charter School's evaluation and the Charter School received a request within a reasonable time after receipt of the results of the evaluation.
2. The parent timely and upon request provided Charter School with written consent to exchange information with the examiner.
3. The private evaluation meets all criteria contained in this Policy.

4. The parent timely provided a copy of the written evaluation report and all other documents\tests related to the report.
5. The examiner attends the relevant IEP team meeting by phone or in person to discuss their findings and provides protocols of all assessments to Charter School.

The reimbursement will be in an amount no greater than the actual cost to the parents. Parents may only be reimbursed for one (1) IEE for each assessment area or discipline with which they disagree.

In all cases, if Charter School initiates a due process hearing to show that Charter School's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

#### B. IEE at Public Expense

Charter School recognizes that federal and state laws provide parents/guardians of students with disabilities with the right to obtain an IEE, at public expense, when the parent/guardian disagrees with an assessment conducted by Charter School within the last two (2) years. Parents may only receive one (1) IEE for each assessment area or discipline with which they disagree.

The Principal or designee(s) shall ensure that when a parent/guardian requests an IEE at public expense, Charter School shall provide the parent/guardian with a copy of their Procedural Safeguards *and*, without unnecessary delay, either:

1. Initiate a due process hearing to show that the evaluation, completed by the Charter School, is appropriate; or
2. Provide the parent/guardian with information about where an IEE may be obtained, the Charter School's criteria applicable for IEEs, and ensure that an IEE is provided at public expense.

Should the Charter School grant the parent's request for an IEE, the Principal or designee(s) shall ensure the following:

1. The criteria under which the IEE is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Charter School uses when it initiates an evaluation.
2. Charter School does not impose conditions or timelines related to obtaining an IEE at public expense.
3. All assessments shall be completed by persons competent to perform the assessment as determined by Charter School. Parent has the right to choose the examiner.



4. If the original evaluation completed by Charter School included in-class observation of the student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting.
5. A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above as defined by Charter School.
6. The evaluator must prepare and sign a full evaluation report containing:
  - a. A list of all information/data reviewed.
  - b. A clear explanation of the testing and assessment results.
  - c. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format.
  - d. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
  - e. Recommendations for IEP team consideration for educational programming and, if appropriate, placement that is educationally relevant and realistic within a public educational setting.

The cost determination for an IEE shall be comparable to the costs incurred by Charter School when it uses its own employees or contractors to complete an assessment, whenever possible and shall reflect reasonable and customary rates for such services in the area. As a result, the Principal or designee(s) shall provide a parent/guardian with a recommended cost ceiling. The cost ceiling shall be updated (*once every three (3) years*) and determined by averaging the cost of the following three factors:

1. The cost of an assessment provided by a Charter School employee.
2. The cost of an assessment provided by a neighboring local educational agency.
3. The cost of an assessment provided by a private service provider, with appropriate qualification, within 40 miles from the Charter School.

The Principal or designee(s) shall ensure a parent/guardian may demonstrate that unique circumstances, related to the student's education need(s), justify a financial waiver of any for the cost as defined by Charter School.

The Principal or designee(s) shall ensure a parent/guardian voluntarily have their private health insurance pay the costs of the IEE if covered by their insurance. However, Charter School recognizes that federal and state laws specify that parents/guardians are not required to have private insurance cover the costs of an IEE if the process would result in a financial cost to the parent/guardian including but not limited to:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy
2. An increase in premiums or the discontinuance of the policy

3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim

### **Appropriate Use of Technology Policy**

This Policy 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.

This policy complies with the Children’s Internet Protection Act. 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”) .

New technologies are modifying the way in which information may be accessed, communicated and transferred. Those changes also alter instruction and student learning. The Charter School offers students access to technologies that may include Internet access, electronic mail, and equipment, such as computers, tablets, or other multimedia hardware. By its adoption of this Policy, the Board intends that technological resources provided by the Charter School be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

- “*Educational purpose*” means classroom activities, research in academic subjects, career or professional development activities, Charter School approved personal research activities, or other purposes as defined by the Charter School from time to time.
- “*Inappropriate use*” means a use that is inconsistent with an educational purpose or that is in clear violation of this Policy and the Acceptable Use Agreement.

### **Acceptable Use of Charter School Technology**

The use of School network services and other technology 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.

### **Notice and Acceptable Use Agreement**

The Charter School shall notify students and parents/guardians about authorized uses of Charter School computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities.

Before a student is authorized to use the Charter School's technological resources, the student and the student's parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and the student's parent/guardian shall agree not to hold the Charter School or any Charter School staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the Charter School and Charter School personnel for any damages or costs incurred.

### **Safety**

The Charter School shall ensure that all Charter School computers with Internet access have a technology protection measure that blocks or filters Internet access to websites that have no educational purpose and/or contain visual depictions that are obscene, constitute child pornography, or that are harmful to minors. While the Charter School is able to exercise reasonable control over content created and purchased by the Charter School, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither the Charter School nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence.

To reinforce these measures, the Principal or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall monitor students while they are using Alpha computers, laptops, or tablets to access the internet or online services on an Alpha campus and may have teacher aides, student aides, and volunteers assist in this monitoring. Parents/guardians are required to supervise and monitor their child's use of Alpha equipment including but not limited to their child's access to the internet and any online services through such equipment any and all times during which any Charter School equipment is being used by their child outside school facilities or school hours to ensure compliance with this policy.

The Principal or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Principal or designees shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such

instruction shall include, but not be limited to, maintaining the student's online reputation and ensuring their personal safety by keeping their personal information private, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.<sup>1</sup> Students are expected to follow safe practices when using Charter School technology.

Charter School advises students:

1. To never share passwords, personal data, or private photos online.
2. To think about what they are doing carefully before posting and by emphasizing that comments cannot be retracted once they are posted.
3. That personal information revealed on social media can be shared with anyone including parents, teachers, administrators, and potential employers. Students should never reveal information that would make them uncomfortable if the world had access to it.
4. To consider how it would feel receiving such comments before making comments about others online.

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<sup>1</sup> "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 pupil or group of pupils, directed toward one or more pupils that has or can be reasonably predicted to have one or more of the following effects:

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

As used in connection with "bullying," an "electronic act" means the creation or transmission originated on or off the schoolsite, 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:

- A message, text, sound, video, or image.
- A post on a social network Internet Web site, including, but not limited to:
  - Posting to or creating a "burn page" (i.e., an Internet Web site created for the purpose of bullying).
  - Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects of bullying. To create a "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.
  - Creating a false profile for the purpose of having one or more of the effects of bullying. A "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.
- An act of cyber sexual bullying. The term "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 of bullying. 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. The term "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.

Students shall not use the Internet to perform any illegal act or to help others perform illegal acts. Illegal acts include, but are not limited to, any activities in violation of local, state, and federal law and/or accessing information designed to further criminal or dangerous activities. Such information includes, but is not limited to, information that if acted upon could cause damage, present a danger, or cause disruption to the Charter School, other students, or the community. Damaging, debilitating or disabling computers, computer networks or systems through the intentional or overuse of electronic distribution or the spreading of computer viruses or other harmful programs shall be prohibited. Any unauthorized online access to other computers by means of hacking into other computers, downloading hacker tools such as port scanners and password crackers designed to evade restrictions shall also be strictly prohibited.

Student use of Charter School computers to access social networking sites is not prohibited, but access is limited to educational purposes only. To the extent possible, the Principal or designee shall block access to such sites on Charter School computers with Internet access.

The Principal or designee shall oversee the maintenance of the Charter School's technological resources and may establish guidelines and limits on their use.

All employees shall receive a copy of this policy and the accompanying Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All employees shall comply with this policy and the Acceptable Use Agreement, in addition to any separate policies governing employee use of technology.

Student use of Charter School's computers, networks, and Internet services is a privilege, not a right. Compliance with the Charter School's policies and rules concerning computer use is mandatory. Students who violate these policies and rules may have their computer privileges limited and may be subject to discipline, including but not limited to suspension or expulsion per school policy.

## **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 but strongly recommended.

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. Please note that the content of such private communications are not monitored or endorsed by the school. 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.

# **FORMS**

## **Alpha Public Schools** **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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 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: \_\_\_\_\_



**Alpha Public Schools**  
**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 checked="" type="checkbox"/> Adult Education  | <input checked="" type="checkbox"/> Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a Public School, Migratory Children and Children of Military Families | <input checked="" type="checkbox"/> Regional Occupational Centers and Programs |
| <input checked="" type="checkbox"/> Career Technical and Technical Education/Career Technical and Technical Training | <input checked="" type="checkbox"/> Every Student Succeeds Act  | <input checked="" type="checkbox"/> School Plans for School Achievement        |
| <input checked="" type="checkbox"/> Child Care and Development   | <input checked="" type="checkbox"/> Local Control Funding Formula/ Local Control and Accountability Plan  | <input checked="" type="checkbox"/> School Safety Plan                         |
| <input checked="" type="checkbox"/> Consolidated Categorical Aid Programs  | <input checked="" type="checkbox"/> Migrant Education Programs  | <input checked="" type="checkbox"/> Pupil Fees                                 |
|  |   | <input checked="" type="checkbox"/> Pregnant, Parenting or Lactating Students  |

**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:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Age                             | <input type="checkbox"/> Gender / Gender Expression / Gender Identity | <input type="checkbox"/> Sex (Actual or Perceived)   |
| <input type="checkbox"/> Ancestry                        | <input type="checkbox"/> Nationality/National Origin                  | <input type="checkbox"/> Sexual Orientation (Actual or Perceived)  |
| <input type="checkbox"/> Color                           | <input type="checkbox"/> Race or ethnicity                            | <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics |
| <input type="checkbox"/> Disability (Mental or Physical) | <input type="checkbox"/> Religion                                     | <input type="checkbox"/> Genetic information   |
| <input type="checkbox"/> Ethnic Group Identification     | <input type="checkbox"/> Marital Status                               | <input type="checkbox"/> Immigration Status/Citizenship  |
| <input type="checkbox"/> 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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 understand that 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: \_\_\_\_\_

## **Technology Acceptable Use Agreement**

The Charter School believes that providing access to technology enhances the educational experience for students. However, student use of Charter School computers, networks, and Internet services is a privilege, not a right. To make that experience successful for everyone, students must abide by the following terms and conditions:

- 1. Security.** Students shall not impair the security of Charter School technology resources. Students are expected to:
  - a. Safeguard all personal passwords. Students should not share passwords with others and should change passwords frequently. Students are expected to notify an administrator immediately if they believe their student account has been compromised.
  - b. Access technology only with their account or with a shared account as directed by their teacher and not to allow others to use their account or to use the accounts of others, with or without the account owner's authorization.
- 2. Authorized Use.** Students may use Charter School technology resources when directed by a teacher, when technology has been designated for open student use (e.g., computers in the library), and for other educational purposes.
- 3. Protection Measures.** While the Charter School is able exercise reasonable control over content created and purchased by the Charter School, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither the Charter School nor its staff, employees, officers, directors or volunteers shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence. The student and parent/guardian agree not to hold the Charter School or any Charter School staff, employees, officers, directors or volunteers responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence. They also agree to indemnify and hold harmless the Charter School, Charter School staff, employees, officers, directors and volunteers for any damages or costs incurred. Parents/guardians are required to supervise and monitor their child's use of Charter School's equipment including but not limited to their child's access to the internet and any online services through such equipment any and all times during which any Charter School's equipment is being used by their child outside school facilities or school hours to ensure compliance with this policy.
- 4. Inappropriate Use.** Charter School technology, hardware, software and bandwidth are shared and limited resources and all users have an obligation to use those resources responsibly. Students are provided access to the Charter School technology primarily for educational purposes. Students shall not use Charter School technology or equipment for personal activities or for activities that violate Charter School policy or local law. These include but are not limited to:
  - a. Playing games or online gaming.
  - b. Downloading software, music, movies or other content in violation of licensing requirements, copyright or other intellectual property rights.

- c. Installing software on Charter School equipment without the permission of a teacher or other authorized Charter School staff person.
  - d. Downloading, viewing or sharing inappropriate content, including pornographic, defamatory or otherwise offensive material.
  - e. Conducting any activity that is in violation of Charter School policy, the student code of conduct or local, state or federal law.
  - f. Engaging in any activity that is harmful to other student(s), including the use of technology to harass, intimidate, bully or otherwise disrupt the educational process.
  - g. Conducting for-profit business.
  - h. Using hacking tools on the network or intentionally introducing malicious code or viruses into the Charter School's network.
  - i. Using any software or proxy service to obscure either the student's IP address or the sites that the student visits.
  - j. Disabling, bypassing, or attempting to disable or bypass any system monitoring, filtering or other security measures.
  - k. Accessing or attempting to access material or systems on the network that the student is not authorized to access.
- 5. No Expectation of Privacy.** Student acknowledges that computer equipment, Internet access networks, email accounts, and any other technology resources are owned by Charter School and provided to students for educational purposes. The Charter School may require staff to monitor and supervise all access to computer equipment, Internet access networks, and email accounts. To facilitate monitoring of activities, computer screens may be positioned so that they are visible to the staff member supervising the students. The Charter School reserves the right to access stored computer records and communications, files, and other data stored on Charter School equipment or sent over Charter School networks. Such communications, files, and data are not private and may be accessed during routine system maintenance; during inspection of Charter School equipment at the end of the school year/term or agree to use period; and review of individual files or monitoring of individual activity when there is a reasonable suspicion that the student is engaging in an inappropriate use.
- 6. Disruptive Activity.** Students should not intentionally interfere with the performance of the Charter School's network or intentionally damage any Charter School technology resources.
- 7. Unauthorized Networks.** Students may not create unauthorized wireless networks to access the Charter School's network. This includes establishing wireless access points, wireless routers and open networks on personal devices.
- 8. Consequences of Inappropriate Use.** Students who violate this Agreement will be subject to discipline, which may include loss of access to Charter School technology resources and/or other appropriate disciplinary or legal action in accordance with the Student Code of Conduct and applicable laws.
- 9. Technology Systems/Equipment Care.** Students are not permitted to have food or drink near computers/other technology and must keep equipment and assigned areas free of vandalism.

After reading the Student Use of Technology Policy and the Acceptable Use Agreement, please complete this form to indicate that you agree with the terms and conditions provided. The signature of both the student and parent/guardian are mandatory before access may be granted to the technologies available. This document, which incorporates the Use Procedure, reflects the entire agreement and understanding of all parties. Charter School's encourages parents/guardians to discuss this Policy with their children to ensure their children understand and comply with this Policy.

**As a user of Charter School technologies, I have read Student Use of Technology Policy and hereby agree to comply with it and the Acceptable Use Agreement.**

I understand that computer use is a privilege and not a right. I understand that students who violate this policy in any way will be subject to a referral and possible suspension or expulsion. I understand that if a student willfully damages Charter School's property, including but not limited to Charter School's technology, equipment and networks, or fails to return Charter School's property that has been loaned to the student, the student's parents/guardians are liable for all damages caused by the student's misconduct up to an amount not to exceed ten thousand dollars (\$10,000), adjusted annually for inflation. After notifying the student's parent or guardian in writing of the student's alleged misconduct and affording the student due process, Charter School's may withhold the student's grades, transcripts, and diploma until the damages have been paid or the property has been returned. If the student and the student's parent/guardian are unable to pay for the damages or to return the property, Charter School's will provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the student's grades, transcripts and diploma will be released. When the minor and parent are unable to pay for the damages, the Charter School will provide a program of voluntary work for the minor in lieu of the payment of monetary damages. A student over the age of majority shall be liable for the same. (Ed. Code § 48904).

Student Name (please print): \_\_\_\_\_ Grade: \_\_\_\_\_

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

Parent/Guardian Name (Please Print): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ **For School Employees Only** \_\_\_\_\_

I have read, understand and agree to abide by the Student Use of Technology Policy and the Acceptable Use Agreement. I understand that the Charter School's policies, procedures, rules, and regulations which apply to students also apply to me as an adult user of the Charter School's technology, in addition to any separate policies governing employee use of technology.

Employee Signature: \_\_\_\_\_

Employee Name (Please Print) \_\_\_\_\_